

Page 1

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 FARAH JEAN FRANCOIS,

5 PLAINTIFF,

6 -against-

Case No.:

7  
8 VICTORY AUTO GROUP LLC d/b/a  
9 VICTORY MITSUBISHI,  
10 SPARTAN AUTO GROUP LLC d/b/a  
11 VICTORY MITSUBISHI,  
12 STAVROS ORSARIS,  
13 YESSICA VALLEJO,  
14 DAVID PEREZ,  
15 DIANE ARGYROPOULOS, AND  
16 PHILIP ARGYROPOULOS,  
17  
18 DEFENDANTS.

19  
20 DATE: November 22, 2022  
21 TIME: 11:00 A.M.

22  
23  
24 VIRTUAL DEPOSITION of the Plaintiff,  
25 FARAH JEAN FRANCOIS, taken by the  
Defendant, pursuant to a Notice and to the  
Federal Rules of Civil Procedure, held at  
the above date and time, before Victoria  
Chumas and Sophia Toribio, Notaries Public  
of the State of New York.

<p>1 2 APPEARANCES: 3 4 THE LAW OFFICE OF AHMAD KESHAVARZ Attorneys for the Plaintiff 5 FARAH JEAN FRANCOIS 16 Court Street, Suite 2600 6 Brooklyn, New York 11241 BY: AHMAD KESHAVARZ, ESQ. 7 ahmad@newyorkconsumerattorney.com 8 NICHOLAS GOODMAN &amp; ASSOCIATES, PLLC 9 Attorneys for the Defendants VICTORY AUTO GROUP LLC d/b/a 10 VICTORY MITSUBISHI, SPARTAN AUTO GROUP LLC d/b/a 11 VICTORY MITSUBISHI, STAVROS ORSARIS, 12 YESSICA VALLEJO, DAVID PEREZ, 13 DIANE ARGYROPOULOS, AND PHILIP ARGYROPOULOS 14 333 Park Avenue South, Suite 3A New York, New York 10010 15 BY: H. NICHOLAS GOODMAN, ESQ. ngoodman@ngoodmanlaw.com 16 17 ALSO PRESENT: 18 PATRICK L. SELVEY, JR., ESQ. with Nicholas Goodman &amp; Associates 19 20 * * * 21 22 23 24 25</p>	Page 2	Page 4
<p>1 2 FEDERAL STIPULATIONS 3 4 IT IS HEREBY STIPULATED AND AGREED by and 5 between the counsel for the respective 6 parties herein that the sealing, filing and 7 certification of the within deposition be 8 waived; that the original of the deposition 9 may be signed and sworn to by the witness 10 before anyone authorized to administer an 11 oath, with the same effect as if signed 12 before a Judge of the Court; that an 13 unsigned copy of the deposition may be used 14 with the same force and effect as if signed 15 by the witness, 30 days after service of 16 the original &amp; 1 copy of same upon counsel 17 for the witness. 18 19 IT IS FURTHER STIPULATED AND AGREED that 20 all objections except as to form, are 21 reserved to the time of trial. 22 23 * * * * 24 25</p>	Page 3	Page 5

<p>1 F. FRANCOIS  2 answer and you did not say that you did not  3 understand, do you agree it would be fair  4 to assume that you did understand the  5 question?</p> <p>6 MR. KESHAVARZ: Objection to  7 form.</p> <p>8 Q. You can answer. You can  9 answer the question.</p> <p>10 MR. KESHAVARZ: When I say  11 "objection to form," you do not have  12 to worry about what that means. You  13 can go ahead and answer the question,  14 unless I tell you not to answer.</p> <p>15 So I made an objection to the  16 form, and you can go ahead and answer  17 the question.</p> <p>18 A. Okay. Thank you.</p> <p>19 MR. GOODMAN: Can you read back  20 the question, please, Ms. Court  21 Reporter?</p> <p>22 (Whereupon, the referred to  23 question was read back by the  24 Reporter.)</p> <p>25 MR. KESHAVARZ: Objection,</p>	Page 6	<p>1 F. FRANCOIS  2 A. It was in 2013, November of  3 2013, yes.</p> <p>4 Q. And what is your current  5 citizenship status?</p> <p>6 A. Resident. I have my green  7 card.</p> <p>8 Q. Okay. What is the date you got  9 your green card?</p> <p>10 A. I got my green card last year.</p> <p>11 Q. What was your status before  12 that?</p> <p>13 MR. KESHAVARZ: Objection,  14 form.</p> <p>15 A. I had a work authorization,  16 just to work in the United States.</p> <p>17 Q. Work authorization. Did you  18 have any specific visa status?</p> <p>19 A. Yes, I had visa. I had visa.</p> <p>20 Q. Okay. When you arrived in the  21 United States in November of 2013, have you  22 stayed in the United States ever since  23 then?</p> <p>24 A. Yeah.</p> <p>25 Q. You never went back to Haiti?</p>
<p>1 F. FRANCOIS  2 form.</p> <p>3 Q. Go ahead, you can answer.</p> <p>4 A. Yes.</p> <p>5 Q. Are you on any medications  6 today that might affect your ability to  7 testify accurately?</p> <p>8 A. No.</p> <p>9 Q. Have you had any alcohol in the  10 last 24 hours, drank any alcohol?</p> <p>11 A. No.</p> <p>12 Q. Okay. Smoke any marijuana?</p> <p>13 A. No, none of them.</p> <p>14 Q. Any illegal drugs in the last  15 24 hours?</p> <p>16 A. No.</p> <p>17 Q. Okay. Where were you born Ms.  18 Francois?</p> <p>19 A. I was born in Haiti.</p> <p>20 Q. What is your native language?</p> <p>21 A. French.</p> <p>22 Q. Would that be French Creole.</p> <p>23 A. Yeah, French Creole.</p> <p>24 Q. Okay. And when did you first  25 arrive in the United States?</p>	Page 7	<p>1 F. FRANCOIS  2 A. I went to visit this year,  3 yeah. It was in February.</p> <p>4 Q. Okay. Had you ever been in the  5 United States before November of 2013?</p> <p>6 A. I'm sorry. Say that again.</p> <p>7 Q. Have you been to the United  8 States before November of 2013?</p> <p>9 A. Yes, I come to visit two times  10 before I decided to stay.</p> <p>11 Q. Okay. And when you arrived,  12 you arrived in the United States on  13 November 7, 2013?</p> <p>14 A. Yes.</p> <p>15 Q. And, in fact, you arrived at  16 Kennedy Airport?</p> <p>17 A. Yes.</p> <p>18 Q. And you were arrested at  19 Kennedy Airport, correct?</p> <p>20 MR. KESHAVARZ: Objection to  21 form.</p> <p>22 A. Yes.</p> <p>23 Q. And you had nine-and-a-half  24 kilograms of cocaine in your bag at the  25 time?</p>

<p>1 F. FRANCOIS  2 MR. KESHAVARZ: Objection to  3 form.  4 A. My friend had the suitcase.  5 The case was dismissed, it was not mine.  6 Q. That was not your bag?  7 A. No. This is the reason they  8 dismissed the case.  9 Q. Have you ever been convicted of  10 a crime?  11 A. Never.  12 Q. The address you gave on 719  13 West 180th Street, how long have you lived  14 at that address?  15 A. I just have like six months  16 living here. It is my aunt's. She just  17 had her husband dead. Her husband died.  18 And I just come here and move in at --  19 (Indiscernible.)  20 Q. Wait. Say that again, please.  21 A. 145 West 111th Street, New  22 York, New York, Apartment 8.  23 Q. So your testimony is that you  24 have been staying at the address on  25 West 180th Street for six --</p>	<p>Page 10</p> <p>1 F. FRANCOIS  2 I moved to my husband, finally moved to my  3 husband, this is where I used to live. And  4 I am still living here.  5 Q. Okay. Where do you receive  6 mail?  7 A. My mail?  8 MR. KESHAVARZ: Objection to  9 form.  10 A. Now I receive my mail at 145  11 where I am living.  12 Q. How long have you lived there?  13 A. Since I come to America, I was  14 living there. And when I get married in  15 2018, I moved with my husband in Brooklyn.  16 Q. In Brooklyn?  17 A. Yes.  18 Q. Currently, who do you live  19 with, who resides at 145 West 111th?  20 A. My uncle's mom, my grand auntie  21 live in there, and my other uncle live  22 there.  23 Q. What are there names, please?  24 A. My uncle, Papito Momplaisir.  25 Q. Spell that for the court</p>
<p>1 F. FRANCOIS  2 A. Because I am a nurse and my  3 auntie, she is sick, and I am taking care  4 of her.  5 Q. You have to let me finish  6 first. That's one of those rules.  7 A. Okay.  8 Q. Prior to staying with your aunt  9 at West 180th Street you were living at 145  10 West 111th, is that your testimony?  11 A. Yes, sir.  12 Q. And what is your aunt's name?  13 A. Say that again.  14 Q. The name of your aunt?  15 A. Jidal Anicette.  16 Q. Can you spell that for the  17 court reporter, please?  18 A. Jidal, J-I-D-A-L, Anicette,  19 A-N-I-C-E-T-T-E.  20 Q. And the other address you just  21 gave us, 145 West 111th Street, how long  22 did you live there?  23 Are you saying that is actually  24 your current address?  25 A. Since I came to America, before</p>	<p>Page 11</p> <p>1 F. FRANCOIS  2 Reporter.  3 A. Papito, P-A-P-I-T-O, last name  4 Momplaisir, M-O-M-P-L-A-I-S-I-R.  5 Q. Okay. Now you said there is  6 another uncle that lives there?  7 A. Yes. My other uncle is living  8 there.  9 Q. What is his name?  10 A. Gregory, G-R-E-G-O-R-Y, last  11 name Momplaisir, M-O-M-P-L-A-I-S-I-R.  12 Q. Okay. And then I think you  13 said a third person lives there?  14 A. Yeah. It is my grandmother.  15 Q. From the time you arrived in  16 the United States, you lived at that  17 address November 2013 at 145 West 111th,  18 and you lived there straight through until  19 2018 when you got married and you moved to  20 Farragut --  21 A. Yes, correct.  22 Q. And then when did you move out  23 of Farragut Road and back to 145  24 West 111th?  25 A. I moved -- I moved definitely</p>

4 (Pages 10 - 13)

<p>1                   F. FRANCOIS  2 moved there in 2020.  3   Q. You moved out of there, out of  4 Farragut Road in 2020?  5   A. Yes.  6   Q. What month?  7   A. It was December or November.  8 I don't really remember which month it was.  9   Q. Okay. I am going to ask you  10 some more about that later.  11                  Let's go to that Farragut Road  12 address when you moved in there in 2018.  13                  Do you remember the month of  14 the year that you moved?  15   A. Yes, it was after my birthday.  16   Q. So that's sometime after  17 May 30th of that year?  18   A. It was May 31, 2018.  19   Q. Okay. Who lived there when you  20 moved in there?  21   A. My husband, his mom, his dad,  22 his grandma. His grandmother lived on the  23 first floor with her auntie. And then when  24 I moved there, grandfather was living  25 there. He was living there with his</p>	Page 14	<p>1                   F. FRANCOIS  2 all of his family was there because after I  3 had a big fight with my husband about what  4 he did, and then his family. And then  5 after that I was scared because he was  6 telling me it was not going to stay like  7 that.  8                  MR. KESHAVARZ: Just one  9 second.  10                 (Whereupon, an off-the-record  11 discussion was held.)  12   Q. You used the words, and you  13 will correct me if I am wrong, "it's not  14 going to stay like that." What did you  15 mean by that?  16   A. Because I was telling my  17 father-in-law that I have to go to the  18 police because he has been -- he never told  19 me how he got my social, and I said I have  20 to go to the police for that. And he said  21 if I go to the police and he gets arrested,  22 it is not going to stay like that.  23                  Even my husband and my  24 grandfather-in-law was agreeing to go back  25 to my uncle. Since he was living in the</p>	Page 16
<p>1                   F. FRANCOIS  2 grandma on the first floor. His auntie  3 also lived on the first floor. And another  4 auntie on the second floor.  5                  And we lived with his mom. It  6 was three bedroom. And his mom was close  7 to the kitchen. And my husband and I was  8 in the second one. And the last room in  9 the corner was Emmanuel Laforest room.  10   Q. Emmanuel Laforest?  11   A. Yes.  12   Q. That is your husband's brother?  13   A. Yes.  14   Q. And so he had a bedroom in that  15 house, correct, Emmanuel Laforest?  16   A. He had a bedroom. Like he  17 never had a bedroom. We was planning to  18 rent the room. Since I moved in, I never  19 met him. He was coming at 2:00 a.m.,  20 3:00 a.m. in the morning; he was already  21 gone.  22   Q. When you moved out in late  23 2020, as you said, who lived in that  24 address, at that address on Farragut Road?  25   A. It was still his mom, his dad,</p>	Page 15	<p>1                   F. FRANCOIS  2 street, they do not know what he was going  3 to do with me when I come back in after  4 work.  5   Q. You said something about living  6 in the street. Who was living in the  7 street?  8   A. Basically, we say that he was  9 living in the street because he was never  10 in the house. He never come in the house.  11 We never saw him. If you ask him if he saw  12 me when he was there, he will tell you no.  13 He was not in our wedding or anything.  14   Q. Who, you are talking about,  15 Emmanuel Laforest?  16   A. Yes.  17   Q. So you had a fight with your  18 husband. What is your husband's name?  19   A. I was fighting with my husband  20 because that's not the first time -- when  21 my husband was explaining to me that was  22 not the first time he did that to someone,  23 and he was one that was paying.  24                  And then I said to my husband  25 how could you keep it to you. Emmanuel</p>	Page 17

<p>1 F. FRANCOIS  2 needs to be in jail. He could kill someone  3 and they would think it is me because the  4 card, it is in my name.</p> <p>5 MR. GOODMAN: I will move to  6 strike the non-responsive portion.</p> <p>7 Q. My question is, what was your  8 husband's name?</p> <p>9 A. Stanley Laforest.</p> <p>10 Q. And so when you were married on  11 -- when were you married? What is the  12 date?</p> <p>13 A. June 14, 2018.</p> <p>14 Q. Okay. And are you now  15 divorced?</p> <p>16 A. No, we are still married. We  17 are trying to build our relationship. He  18 was trying.</p> <p>19 Q. Have you seen a lawyer, either  20 one of you seen a lawyer about the  21 situation?</p> <p>22 A. He want me to do that, but it  23 just like, I don't believe in telling other  24 people our story. We can just figure out  25 our stuff by ourself.</p>	Page 18	<p>1 F. FRANCOIS  2 guy comes to deliver for us. Sometimes  3 they give to grandma. Sometimes it is  4 little box that's very small he put it.  5 But if it was in the morning he give it to  6 grandma or grandpa if they was there.</p> <p>7 Q. That little box, did it have a  8 lock on it?</p> <p>9 A. No.</p> <p>10 Q. Okay. Did you receive mail  11 addressed to you at that address?</p> <p>12 MR. KESHAVARZ: Objection,  13 form.</p> <p>14 Q. You can answer.</p> <p>15 A. Yeah, my driver's license, all  16 of my things is there. Still have the  17 address and everything.</p> <p>18 Q. All right. Did you -- do you  19 have any children?</p> <p>20 A. No, I am just pregnant.</p> <p>21 Q. You are pregnant now?</p> <p>22 A. Yes.</p> <p>23 Q. Congratulations.</p> <p>24 A. Thank you so much.</p> <p>25 Q. If I can ask, who is the</p>	Page 20
<p>1 F. FRANCOIS  2 Q. So let's go back to that  3 address on Farragut Road. I think you  4 described three different floors or levels  5 in the house?</p> <p>6 A. It is three floors.</p> <p>7 Q. Is it like a brownstone?</p> <p>8 A. It is a house, but house is  9 three floors. It is no elevator. It is  10 stairs. You go to grandma, then auntie,  11 then the last one you go to us.</p> <p>12 Q. And is there anybody, other  13 than that group of people you described  14 that was living in that same building if  15 it's a different entrance or --</p> <p>16 A. No. Only one entrance.</p> <p>17 MR. KESHAVARZ: Objection to  18 form. Go ahead.</p> <p>19 Q. You can answer.</p> <p>20 A. Only one entrance is that.</p> <p>21 Q. Okay. And was there a mailbox  22 at that building?</p> <p>23 A. Yes.</p> <p>24 Q. Where was the mailbox?</p> <p>25 A. The mailbox is just one. The</p>	Page 19	<p>1 F. FRANCOIS  2 father; is it Stanley?</p> <p>3 A. Can I speak to my lawyer first?</p> <p>4 MR. KESHAVARZ: Do you need to  5 ask?</p> <p>6 Q. What did you say before that?</p> <p>7 A. Say that again.</p> <p>8 Q. You gave an answer before your  9 lawyer said anything.</p> <p>10 A. I said, I need to speak to my  11 lawyer.</p> <p>12 MR. KESHAVARZ: Do you need to  13 go into this? It's personal.</p> <p>14 Q. How many months pregnant are  15 you?</p> <p>16 A. I just turned six months today.</p> <p>17 Q. Can you tell us Stanley  18 Laforest's date of birth?</p> <p>19 A. Definitely. He is born on  20 <span style="background-color: red; color: white; border: 1px solid red; padding: 2px;">REDACTED</span> one year before me.</p> <p>21 Q. Where does he live now?</p> <p>22 A. Still living in Brooklyn.</p> <p>23 Q. Same address, Farragut Road?</p> <p>24 A. No, he is not living there.</p> <p>25 Q. Do you know his current</p>	Page 21

<p>1 F. FRANCOIS  2 address?  3 A. He is living with his friend  4 now. We are trying to get everything back  5 to do our stuff.  6 Q. What is the address, the street  7 address where he lives now?  8 A. He is living in Canarsie.  9 Q. Do you know the street address?  10 A. Canarsie.  11 Q. Do you know the name of the  12 street or the building?  13 A. No, because most of the time he  14 is coming here. I do not go to Brooklyn.  15 Q. He comes to you in Manhattan?  16 A. Yeah. And he is in school,  17 also, too.  18 Q. When is the last time you saw  19 him?  20 A. Last time it was on Saturday.  21 We went to my goddaughter's birthday.  22 Q. Okay. Up until the time you  23 came to the United States, you lived in  24 Haiti; is that correct?  25 A. Yes.</p>	Page 22	<p>1 F. FRANCOIS  2 Q. When was that?  3 A. I don't remember.  4 Q. Okay.  5 A. I don't remember when I got my  6 permit, and then my license. I really  7 don't remember.  8 Q. Okay. And when did -- well,  9 when did you first get a license, not a  10 learner's permit, but an actual driver's  11 license?  12 A. It did not take me long to get  13 the driver's license after I got my permit  14 because after I passed, then I went to  15 driving school and take some class, some  16 learning. And then after that, I go take  17 the test and pass. I don't remember.  18 Q. If I told you it was 2016,  19 would that refresh your recollection?  20 A. I think so, something like  21 that, '16.  22 Q. Okay. So did there come a time  23 that you applied for a new driver's license  24 from the State of New York in 2020 or maybe  25 late 2019?</p>	Page 24
<p>1 F. FRANCOIS  2 Q. Okay. What town in Haiti was  3 it?  4 A. I used to live in Delmas, 95  5 Street.  6 Q. Is that Port-au-Prince?  7 A. Yes, Port-au-Prince.  8 Q. Okay. Let me ask you, do you  9 have a current New York State driver's  10 license?  11 A. Yeah, I do have my driver's  12 license.  13 Q. Do you have it with you?  14 A. Yeah.  15 Q. Can you read the number into  16 the record, the driver's license number?  17 A. My driver's license number?  18 Q. Yes.  19 A. <b>REDACTED</b>  20 Q. When did you first obtain --  21 strike that.  22 Did there come a time that you  23 obtained a learner's permit for driving in  24 New York?  25 A. Yeah.</p>	Page 23	<p>1 F. FRANCOIS  2 A. 2020, because my driver's  3 license was expired, and I went to  4 Department of Motor Vehicles to get a new  5 one.  6 Q. And the driver's license you  7 had before you went to get the new one, it  8 was a Class D license, correct?  9 A. Yes. It was a Class D license.  10 Q. Okay. And the driver's license  11 you have now, the one you got in 2020 was a  12 Class C license, correct?  13 A. Correct.  14 Q. Why did you change from Class D  15 to Class C?  16 A. The reason that I changed to  17 Class D, I was planning to do Uber. I was  18 planning to do Uber driving with my car  19 back then. And then they say to me you  20 have to change to do. With Class D you  21 can't do it, to work with limousines,  22 things like that. You have to get Class E  23 [sic], and that is the reason that I  24 changed.  25 Q. Okay. So you were going to be</p>	Page 25

<p>1 F. FRANCOIS  2 an Uber driver. Did you ever drive for  3 Uber or Lift or anything --  4 A. No, because the school did not  5 give me time. I was in nursing school at  6 that time.  7 Q. Okay. Did you -- the license  8 that you applied for in 2020 when you went  9 to change it from D to E, did you receive  10 that -- did you actually receive that  11 license?  12 A. No. They mailed it to me with  13 my title. It was both my driver's license  14 and my title. And it was in March for  15 COVID, which I went there to do it because  16 you have to take the appointment online. I  17 went there and did it. And they said I  18 will receive it by April or May because a  19 lot of people have appointments. I never  20 received it by July. I went there and said  21 I need my title because I can't drive  22 without the new title. And they said they  23 sent it to me. I know I never received.  24 And the woman said, yes, you  25 received it with your license. And I said</p>	Page 26	<p>1 F. FRANCOIS  2 Q. Your uncle was about to do  3 what?  4 A. Was about to give me his car to  5 do Uber, and then to do everything with the  6 Uber.  7 Q. Which uncle was that?  8 A. Papito Momplaisir.  9 Q. What kind of car did he have?  10 A. He has a Toyota.  11 Q. Okay. In the Farragut Road  12 house, how many, if any, people in that  13 house had a car available to them?  14 MR. KESHAVARZ: Objection to  15 form.  16 A. My husband, me -- my husband  17 and me.  18 Q. So your husband had his own  19 car?  20 A. Yes, he has his own car.  21 Q. What about Emmanuel Laforest?  22 MR. KESHAVARZ: Objection to  23 form. Go ahead. You can answer.  24 A. Emmanuel, I can't tell you  25 about his car because I never -- he never</p>	Page 28
<p>1 F. FRANCOIS  2 I did not receive that. And they say said,  3 okay, we are going to do another copy to  4 you, but definitely we sent it to the  5 address.  6 Q. And that address was Farragut  7 Road?  8 A. Yes, correct.  9 Q. And you mentioned the title,  10 you said you have the title?  11 A. Yeah, for my car.  12 Q. What title are you referring  13 to?  14 A. Nissan Rogue 2010. I still  15 have it.  16 Q. When did you purchase the  17 Nissan Rogue 2010?  18 A. I purchased that in 2020. It  19 was January of 2020.  20 Q. And when you were planning to  21 be an Uber driver, were you going to drive  22 the Nissan Rogue 2010?  23 A. No. I was about to drive my  24 uncle's car because my uncle was about to  25 do that.</p>	Page 27	<p>1 F. FRANCOIS  2 tell me. Ever saw me one day. He was  3 never there. Even when his daddy was in  4 the hospital, he never come in.  5 Q. So while you -- you got that  6 car, when did you say? Sorry, the Nissan  7 Rogue 2010, you bought in January 2020?  8 A. Yeah.  9 Q. So you never got -- your  10 testimony is you received the driver's  11 license, the new driver's license, Class E  12 driver's license in the mail, correct?  13 A. I never received in my hand,  14 but they sent it in the mail.  15 Q. Okay. But during the time that  16 you were waiting for it to arrive, you  17 still had your old driver's license,  18 correct?  19 A. Yes.  20 Q. All right. And just tell me  21 how -- where did you drive back -- we are  22 talking about late 2019 into 2020. How  23 were you using your car? I guess you  24 bought it January 2020, so --  25 A. I did not use the car for 2019,</p>	Page 29

<p>1 F. FRANCOIS  2 I was using train from Brooklyn, come to  3 42nd Street, and then go to my job because  4 I used to work in TD Bank. I used to do  5 customer service.  6 Q. But as of January 2020, you  7 bought the Nissan Rogue, right?  8 A. Yes.  9 Q. What did you use that car for?  10 A. I used the car to go to work,  11 go to my house, go to back and forth to  12 work, and then for my house.  13 Q. Did you say back and forth to  14 work?  15 A. Work, go to my home. Sometimes  16 I go to New Jersey for the school because I  17 was in nursing school.  18 Q. Okay. So during that time you  19 were using the driver's license you had  20 since 2016, right?  21 A. During this time when I got my  22 car, it take me time to do the process to  23 do everything for the car. I drive that,  24 yes, and by March, yeah, February, March  25 because my husband used to drive it before.</p>	Page 30	<p>1 F. FRANCOIS  2 when you said I never got the license, you  3 went back in July to get the license, you  4 also got a Class E license, correct?  5 A. Yes.  6 Q. So were you still planning to  7 drive for Uber in July of 2020?  8 A. Yeah. I was planning to still  9 drive for that, yes.  10 Q. Okay. But your testimony is  11 you never drove for Uber or Lift or any  12 other --  13 A. No.  14 Q. You have to let me finish.  15 -- or any other delivery  16 services?  17 A. No.  18 Q. Okay. Can you tell us what  19 your highest level of education is?  20 A. Associated degree. And now I  21 am doing my master.  22 Q. From what did you -- from what  23 institution did you receive your degree?  24 A. Accounting.  25 Q. But what school?</p>	Page 32
<p>1 F. FRANCOIS  2 Q. I am talking about the driver's  3 license, your license you drove with when  4 you went out to drive to New Jersey or  5 drive to work and back. You had the  6 license that you got in 2016, correct?  7 A. Yeah, I got the license in  8 2016, yeah.  9 Q. So if you -- strike that.  10 That license that you got in  11 2016 that you were using after you bought  12 the Nissan Rogue, where did you keep that  13 license? Was it in a purse, a wallet? You  14 tell me.  15 A. I still have it here because  16 all of my old license stay with me here in  17 the wallet.  18 Q. If that license we are talking  19 about, the license from 2016 had been taken  20 out of your wallet, you would have known  21 that, correct?  22 MR. KESHAVARZ: Objection to  23 form.  24 A. Yeah.  25 Q. When you went back to the DMV</p>	Page 31	<p>1 F. FRANCOIS  2 A. It is in Haiti.  3 Q. What is the name of it?  4 A. The name of the school?  5 Q. Yes.  6 A. Business Institute of the West  7 Indies.  8 Q. What year did you receive that  9 associate degree?  10 A. 2010, 2011.  11 Q. Okay. And after that have you  12 received any other degree from any other  13 educational institution?  14 A. Yes, from my nursing Hope  15 College.  16 Q. Your nursing, where was that,  17 in Haiti or the United States?  18 A. No, in Miami. I took the class  19 online.  20 Q. Class online?  21 A. Hope College.  22 Q. Have you lived anywhere in the  23 United States other than New York City?  24 A. No.  25 Q. So you got a degree from Hope</p>	Page 33

<p>1 F. FRANCOIS  2 College?  3 A. I got a diploma, LPN, licensed  4 practical nurse.  5 Q. Licensed practical nurse?  6 A. Yes.  7 Q. Okay. And have you ever worked  8 as a licensed practical nurse?  9 A. Yes, this is what I do. I am  10 just coming from work.  11 Q. Just now?  12 A. Yeah. I am working for Bronx  13 Care Hospital.  14 Q. Bronx Care?  15 A. Yeah, Bronx Care Hospital.  16 Q. Okay. When did you get that  17 degree, what year?  18 A. Last year.  19 MR. GOODMAN: I need just one  20 minute. I'm sorry.  21 (Whereupon, an off-the-record  22 discussion was held.)  23 Q. Let's go through your  24 employment history. So when you came to  25 the United States, where were you first</p>	Page 34	<p>1 F. FRANCOIS  2 better thing.  3 Q. Better opportunity?  4 A. Yes, better opportunity.  5 Q. More money?  6 A. Not about money, but more  7 opportunity because I was going to try to  8 do what I learn in my country about  9 accounting.  10 Q. Okay. So do you remember the  11 month of 2018?  12 A. No, I don't remember the month  13 when I left Gary.  14 Q. Did you leave on good terms, or  15 did he fire you?  16 A. Yes, good terms.  17 Q. Is that establishment still in  18 business?  19 A. Yes. They are on 89th Street  20 and Broadway, 2421 Broadway and 89th  21 Street.  22 Q. You said you left and you went  23 to TD Bank?  24 A. Yes.  25 Q. When were you first employed by</p>	Page 36
<p>1 F. FRANCOIS  2 employed?  3 A. I was working Gary Null's  4 Uptown Whole Food.  5 Q. And what is Gary Null's Uptown  6 Whole Food?  7 A. It is a whole food store and he  8 licensed -- has his own organic produce,  9 like vitamins.  10 Q. When did you first become  11 employed by Gary Null's Uptown Whole Food?  12 A. It was January 2014.  13 Q. So within a month after you got  14 here?  15 A. Yeah.  16 Q. Okay. And what was your  17 position there?  18 A. I started as a cashier, and  19 then assistant, and then store manager.  20 Q. Okay. And when did you leave  21 the employment of Gary Null's Whole Food?  22 A. I leave Gary in 2018 to work  23 for TD Bank.  24 Q. Okay. Why did you leave?  25 A. Because I was working for a</p>	Page 35	<p>1 F. FRANCOIS  2 TD Bank?  3 A. I am employed by TD Bank on  4 September 2018, yeah. It was 2018.  5 Q. What was your position at TD  6 Bank?  7 A. I was a teller, and then I  8 become teller II, and then after that, I  9 become customer service representative.  10 Q. What was the last --  11 A. Customer service  12 representative.  13 Q. Representative?  14 A. Yeah.  15 Q. Okay. How long did you work at  16 TD Bank?  17 A. I just left TD last year after  18 my graduation.  19 Q. That is after your graduation  20 from Hope College?  21 A. Yes, when I graduated from the  22 nursing and I decided to go into health  23 care.  24 Q. So when was your graduation?  25 A. My graduation was in</p>	Page 37

<p>1 F. FRANCOIS  2 November 2020.  3 Q. And that is when you left TD  4 Bank, around there?  5 A. I left TD after that in  6 December.  7 Q. And what is your next  8 employment after TD?  9 A. After TD Bank, I was working as  10 a nurse. I was working for Fairview Center  11 and then Bronx Care.  12 Q. Did you say Fairview Center?  13 A. Fairview Center Nursing Care.  14 Q. Okay.  15 A. And then Bronx Care Health  16 System Hospital.  17 Q. Okay. So let's go back to TD  18 Bank. Did you work in a specific branch?  19 A. Yes, at 158th and Broadway.  20 3798 157th Street, New York, New York.  21 Q. Okay. And were you ever  22 subject of discipline there?  23 A. No.  24 Q. Okay. Customer complaints  25 about you, were there any?</p>	Page 38	<p>1 F. FRANCOIS  2 Q. 42 patients?  3 A. Yeah.  4 Q. That's currently?  5 A. Yeah, it's a nursing home.  6 Q. It is a nursing home?  7 A. Yeah.  8 Q. What is the address of that  9 nursing home?  10 A. Fairview is 6970 Grand Central  11 Parkway, Forrest Hill Queens, New York.  12 Q. And you said earlier in this  13 deposition that you just came from work  14 there?  15 A. No. Not from Fairview. From  16 Bronx care. I even took myself -- this is  17 my customer gave it to me today because  18 today is six months.  19 Q. Did you work an overnight  20 shift? What are your hours of work?  21 A. For Fairview sometimes I work  22 3:00 to 11:00, and then from Bronx Care, I  23 work 12:00 to 8:30.  24 Q. So you're basically working --  25 is your testimony you are working from</p>	Page 40
<p>1 F. FRANCOIS  2 A. No.  3 Q. Okay. Now, you then went, you  4 said, to Fairview Center Nursing Care --  5 A. Yes, I am still working for  6 them. I am doing part-time. I used to do  7 full-time, but when I got the new job for  8 the hospital. I am working for them  9 part-time.  10 Q. But for a while, you were  11 working for them full-time?  12 A. Yeah, full-time.  13 Q. When did that change to  14 part-time?  15 A. Just like two months,  16 September it was two months.  17 Q. Okay. So what do you do for  18 them? What are your duties and functions?  19 A. Do wound care, give medication,  20 take care of my patients, give them like  21 vitamins, IV fluid, and then if they have  22 any...  23 Q. Do you have one patient you're  24 assigned to or --  25 A. No, I got 42 patients.</p>	Page 39	<p>1 F. FRANCOIS  2 3:00 p.m. to 8:30 a.m.?  3 A. Yeah. But for Fairview, like  4 yesterday, I work 3:00 to 11:00. And then  5 today I take off because my lawyer was  6 telling me I have to be up. But at 12:00,  7 I have to go to Bronx to work.  8 Q. At midnight, 12:00?  9 A. Yeah. Midnight, 12:00 to 8:30  10 in the morning.  11 Q. Okay. So, basically, you are  12 working two different jobs at the same  13 time; is that fair, or you tell me?  14 A. It is fair because Fairview I  15 just give them three days - Monday,  16 Wednesday, Saturday. Sometimes I give them  17 Monday, Tuesday, Wednesday.  18 Q. Okay. All right. I want to  19 ask you some questions about Emmanuel  20 Laforest. You told us some things about  21 him already, but I want to ask you some  22 more.  23 A. Sure.  24 Q. When did you first meet him?  25 A. I meet him from this January</p>	Page 41

<p>1 F. FRANCOIS  2 because I was about to call the police for  3 him again, he keep my green card.  4 Q. He what?  5 A. He kept my green card.  6 Q. He kept your green card?  7 A. Yes.  8 Q. How did he get your green card?  9 A. Because my address is still  10 there. And my lawyer called me and said  11 you never received the green card. I said  12 I never received it. Since last year I  13 never receive it. They said okay, go to  14 the post office. Post office said, they  15 deliver it. They gave to tall black guy,  16 skinny. Called my husband and he said we  17 are going to call the police and we are  18 going to know who has the green card, which  19 is by the time he is coming and I go to  20 talk to grandma. And I said to him, you  21 have my paper. He said, no, I do not have  22 your paper. And I said you go to the  23 police. They are going to find out if he  24 have mine. Then he said, okay, I think I  25 put it upstairs. Let me check that. That</p>	Page 42	<p>1 F. FRANCOIS  2 cases he has to go.  3 Q. And when did grandma tell you  4 that?  5 A. When I was like just going  6 there and asking grandma I would like to  7 meet all of the family. She said don't  8 count on that. You will not see him here.  9 Most of us do not want that because he  10 always in trouble with the cops.  11 Q. So that's like 2018 that you --  12 A. Yeah, 2018 she was telling me  13 that.  14 Q. All right. So as of that time  15 you already knew that he was a convicted  16 criminal, right?  17 A. To tell you the truth, the  18 family not telling me about stories, but  19 they said he has a problem with cops for  20 basically child support, things like that.  21 That is why they was telling me. They  22 never told me he was a criminal. I would  23 never marry his bother.  24 Q. But they said he was in jail,  25 right?</p>	Page 44
<p>1 F. FRANCOIS  2 was in January.  3 Q. January of 2022, this year?  4 A. Yes.  5 Q. Okay. When is the first time  6 you met Emmanuel Laforest?  7 A. This is the first time he saw  8 me eye-for-eye. I never met him.  9 Q. You never saw him before  10 January of this year?  11 A. No. I just saw him in pictures  12 and grandma was showing me the picture of  13 him. And then I was listening that he was  14 in jail in 2018, he is coming out in 2019.  15 I never saw him.  16 Q. Okay. When did you -- I think  17 you said your grandma told you --  18 A. His grandma, but I call her  19 "grandma."  20 Q. Grandma told you he was in jail  21 in 2018 and he was coming out in 2019?  22 A. He was in jail for lot of  23 things, which I found out from the court  24 also. Brooklyn court was telling me this  25 is not the only case he has. He has other</p>	Page 43	<p>1 F. FRANCOIS  2 A. For child support saying he  3 never paid his child support. Grandma was  4 telling me stories.  5 Q. Did he ever have children that  6 lived at the Farragut Road address?  7 A. No, never even his girlfriend.  8 He never brought there.  9 Q. So there came a time that you  10 said -- that was January of this year you  11 said you were going to call the police  12 about the green card, right?  13 A. Mm-hm.  14 Q. You have to say "yes" for the  15 record?  16 A. Yes.  17 Q. Before January of this year did  18 there come a time that you went to the  19 police about Emmanuel Laforest?  20 A. Yes.  21 Q. When was that?  22 A. It was in September when I find  23 out that he -- I found out about the title,  24 receiving the title in my name.  25 Q. Okay. And did you talk to him</p>	Page 45

<p>1 F. FRANCOIS  2 before you went to the police?  3 A. On the phone, over the phone,  4 yeah.  5 Q. So when is the first time you  6 ever talked to Emmanuel Laforest on the  7 phone?  8 A. Okay. The first time I spoke  9 to him over the phone was when I find out  10 about the title. The first person I call,  11 I called my husband. I said did you buy a  12 car? He said no, why would I need the car?  13 I said I received the title, but the title  14 have address and they send to that address.  15 I did not buy a BMW. I did not need a car.  16 And he said you are sure you did not. I  17 said no.  18 Grandpa give me the mail, ask  19 grandpa. And he asked grandpa and find out  20 which is after that they find out that  21 Emmanuel have a BM. And the he called me.  22 She said Emmanuel has a BM, but Emmanuel  23 does not have access to your things. How  24 could he have your social and your social  25 is in your hand and ID? I said okay, find</p>	Page 46	<p>1 F. FRANCOIS  2 Q. When did you leave Farragut  3 Road and start staying at 145? In 2020?  4 A. I live definitely it was in  5 2020 after I got in fight with the family  6 after what Emmanuel did.  7 Q. I know, but you said, if I  8 understand you correctly, you said you were  9 staying at 145 because of COVID?  10 A. Because my asthma was getting  11 bad and grandpa had COVID on the first  12 floor. I could not stay on the first  13 floor. I went to my uncle for a week or  14 two weeks, I think, for COVID. Because  15 every night I having problem breathing with  16 my asthma. My family was scared I got the  17 COVID.  18 Q. When were those one or two  19 weeks that you when the to 145 in 2020?  20 A. That was before we celebrate  21 rate our -- before my birthday. That was  22 before my birthday. That was in May. It  23 was the flag of Haiti. It was May 18th.  24 Q. The flag of Haiti?  25 A. That is -- May 18th is like the</p>	Page 48
<p>1 F. FRANCOIS  2 out.  3 When grandpa asked him, he said  4 no, he did not. I said I am going to the  5 police now, even though it is already  6 10:00 p.m. I am going to the police now.  7 I am not coming to the house, and I am  8 staying in my friend's house. Grandpa call  9 him and said Farah is going to the police;  10 we have to find out if this is you. And he  11 called me, grandpa phoned telling me he was  12 doing something, and he was going to remove  13 my name telling my another story.  14 MR. GOODMAN: So I move to  15 strike the nonresponsive portions.  16 Q. So if Emmanuel Laforest  17 testified under oath in this case that he  18 had a conversation with you around  19 June/July or 2020, is that accurate? Is he  20 telling the truth?  21 A. No, he is not telling the  22 truth. I was in 145 for COVID.  23 Q. For COVID?  24 A. Yeah, this period was for  25 COVID-19.</p>	Page 47	<p>1 F. FRANCOIS  2 date of the flag of Haiti.  3 Q. Okay. So back to the question.  4 So Emmanuel Laforest testified that in June  5 or July had he a conversation with you  6 about the BMW; is that true?  7 A. No, never.  8 Q. Okay. And if Emmanuel Laforest  9 testified that in that conversation with  10 you about the BMW he told you that he was  11 going to pay it off by December and you  12 said you were cool with that, did that  13 happen?  14 A. No, never. I never said that  15 to him.  16 Q. Okay. When is the first time  17 you had a conversation with him about the  18 BMW?  19 A. It is the date that I find out  20 about the paper when his dad called him he  21 has to come to the house because he has to  22 talk to Farah because Farah is about to go  23 to police, which is he come. It was 11:00  24 something and then he called me. I was in  25 Canarsie see with my friend's house. And</p>	Page 49

13 (Pages 46 - 49)

<p>1                   F. FRANCOIS  2 then he called me and he said, hi, I have  3 Emmanuel. I'm sorry I lie to my dad. Yes,  4 it was me using your information.  5                   I said, okay, first of all, the  6 only question I want to ask you is how do  7 you have my social? Because I have my  8 social with me. They did not need your  9 social. It was only paper with your name.  10 I said no that is impossible. You can't  11 buy a car with paper, with mail. They need  12 to have my information. And then I said  13 okay, since you don't want to tell me the  14 truth, tomorrow early I am going to the  15 police, which is then you have to tell the  16 police the truth. And then after that he  17 would say yes, I got the ID. I received in  18 the mail. I keep it here and give to my  19 brother or my dad.  20 Q. Okay, so let me stop you there.  21 I'm sorry.  22                   MR. KESHAVARZ: Were you done  23 with your answer?  24                   MR. GOODMAN: Well, it's  25 nonresponsive. She is giving a</p>	<p>Page 50</p> <p>1                   F. FRANCOIS  2 A. That was not true because they  3 sent to me in March and it was expired  4 when I applied for it. And they sent it to  5 me after I went to the DMV to apply for  6 that.  7 Q. But he could have had your  8 other driver's license?  9 A. How could have it if I had my  10 old driver's license? I have proof of  11 that. I have some here with me, and then I  12 have the rest of all of my paper inside.  13 Q. So you would've known if he --  14 his testimony was that he found your  15 driver's license -- I'm sorry -- somebody  16 gave him your driver's license to give back  17 to you and he kept it since 2019; that is  18 not true, is it?  19 A. That's not true.  20 MR. KESHAVARZ: Objection to  21 form. Mr. Goodman, the testimony is  22 the testimony. I don't want you to  23 represent --  24 MR. GOODMAN: Thank you.  25 MR. KESHAVARZ: If you have a</p>
<p>Page 51</p> <p>1                   F. FRANCOIS  2 narrative response.  3                   MR. KESHAVARZ: If it is or it  4 isn't, were you done? Were you done  5 with what you were going to say.  6 A. No. I am not. 'Cause he was  7 telling me it was the first time we talk.  8 I am saying the first time we spoke was  9 about the fight about the title under my  10 name.  11 Q. But the question was "when" was  12 that conversation.  13 A. It was in September because I  14 find out about the title in September.  15 Q. Okay. So if he testified he  16 had a conversation with you in June/July  17 sometime during the summer, that was a lie,  18 correct?  19 A. Yes. That was definitely a  20 lie.  21 Q. And if you testified that he  22 had your driver's license since 2019 and he  23 had been keeping it and meaning to give it  24 back to you, that was not true either, was  25 it?</p>	<p>Page 53</p> <p>1                   F. FRANCOIS  2 question, you have a question.  3 You're representing his testimony,  4 and I don't know if that's accurate.  5 I don't care, but I'm --  6 MR. GOODMAN: I appreciate it.  7 MR. KESHAVARZ: You're welcome.  8 Q. Ms. Francois, I want you to  9 assume that he testified first that someone  10 gave him your driver's license and he meant  11 to give it back to you but he couldn't give  12 it back to you because he didn't have your  13 number; is accurate? If he did testify to  14 that, is that correct?  15 A. That is not correct. Who is  16 going to give it to him?  17 Q. I don't know. I am only  18 representing what he testified to.  19 A. Okay. No one would give it to  20 him. The mail box or always give to  21 grandma or grandpa.  22 Q. I Want you to assume that he  23 testified under oath that there were  24 occasions when you would leave your  25 driver's license out in the apartment by</p>

14 (Pages 50 - 53)

<p>1 F. FRANCOIS  2 the door and it was available there and he  3 came across it there; was that accurate?  4 A. It is not accurate because the  5 mail guy, the guy was always bring the  6 mail, and he always give it to grandma or  7 grandpa or sometimes who ever is coming  8 because he knows us was living there.  9 That is when he give it to him, to give the  10 mail. He gives all the mail.  11 Him, he chose to open everybody  12 mail. Then he like grandpa pass saying he  13 open everybody mail. And he found my ID  14 and found W-2 from Whole Food. He never  15 gave it back to me. He keep it.  16 Q. Did you have his -- in the  17 first part of the year 2020 did you have  18 his cell phone number?  19 A. No.  20 Q. Did he have your cell phone  21 number?  22 A. He has my cell phone number  23 because he asked grandpa for that. When he  24 asked my husband he wanted to talk to me,  25 he asked grandpa. He said call Farah about</p>	Page 54	<p>1 F. FRANCOIS  2 there, which is something I didn't ask him  3 where is his brother because it is not like  4 it was really important. It was not a big  5 wedding. It is something we went to the  6 court. We do and after that we did a  7 ceremony between my family and his mom and  8 dad, which is who was there.  9 Q. I thought I heard you testify  10 your husband told you he was not going to  11 invite his brother to the wedding?  12 A. He was telling me before he  13 would never be because what he did --  14 remember, I told you before he did the same  15 thing with my husband paying for him for  16 what he did.  17 MR. GOODMAN: Can you read that  18 back?  19 (Whereupon, the referred to  20 answer was read back by the  21 Reporter.)  22 Q. When you say "paying for him  23 for what he did," what did you mean?  24 A. He was telling me after that he  25 was telling me that he got somebody's</p>	Page 56
<p>1 F. FRANCOIS  2 what you are going to do with the car to  3 remove her.  4 Q. But if he wanted to communicate  5 with you, he could have done that through  6 your husband, which is his brother,  7 correct?  8 MR. KESHAVARZ: Objection to  9 form.  10 Q. Correct?  11 A. No. It is not correct. They  12 are not talking. It has been a while since  13 my husband was paying for him. It has been  14 a while. That's why my husband did not  15 invite him to our wedding or anything.  16 They are not talking at all.  17 Q. When you and Stanley got  18 married and your husband told you -- you  19 knew he had a brother named Emmanuel?  20 A. Yeah, I know because I know his  21 mom and dad only have two boys.  22 Q. So your husband told you we're  23 not going to invite him to our wedding?  24 A. He did not say that. I was  25 telling all of his family is going to be</p>	Page 55	<p>1 F. FRANCOIS  2 credit card or something and used that  3 person's credit card. And the fight was  4 him because of his dad. His dad had a  5 problem of heart attack he. Did not want  6 his dad to get any worse. He handled all  7 of the money. He never come to the house  8 looking for him. My husband told me that  9 after that he never spoke to him.  10 Q. Okay. So if I want you to  11 assume Mr. Laforest gave testimony in this  12 case under oath that he found your driver's  13 license on the floor on the apartment at  14 Farragut Road, is that accurate?  15 A. That is not accurate.  16 Q. Was he lying when he said that?  17 A. Yeah, definitely lying.  18 Q. Okay. I want you to assume  19 that Mr. Emmanuel Laforest testified that  20 he had been paying off the car, the BMW.  21 Did he tell you that?  22 A. No, he did not because the  23 owner of the -- the son owner tell me they  24 are going to make him bring the car back.  25 Capital one was telling me it was going to</p>	Page 57

<p>1 F. FRANCOIS  2 be more because they were never paying  3 interest. It is going to be more than  4 \$29,000. If he did, that's not true.  5 That is between him and them. But they  6 never told me about that.</p> <p>7 Q. Okay. I want you to assume he  8 gave some testimony about paying off the  9 tickets that he got, the parking tickets,  10 the tolls, those tickets. If he testified  11 to that, was he lying when he said that?</p> <p>12 A. No. I have a ticket I just  13 received for the BMW that I have to go to  14 bring to court because now I am waiting for  15 them to give me all of papers to send to  16 the court and to remove my name. My name  17 is -- what is it that they call when you  18 did not pay? They send my name to -- I  19 forget what they call it. When you owe  20 money and you never pay, they then send  21 your name there. I don't remember. I  22 think I received a paper here. He never  23 paid that.</p> <p>24 Q. That's my question. Did  25 Emmanuel Laforest ever pay for any of the</p>	Page 58	<p>1 F. FRANCOIS  2 number; do not answer. And I was telling  3 my husband that.</p> <p>4 Q. Correct me if I'm wrong. On  5 the day you had him arrested or thereabouts  6 somebody texts and you said you can never  7 come back to Brooklyn. Is that --</p> <p>8 A. Yes. They said that, yeah.</p> <p>9 He has a lot of people calling me, and I  10 block their number calling me saying a lot  11 of bad words which is -- that is the reason  12 that made me change everything.</p> <p>13 Q. Do you know who texted you?</p> <p>14 A. I don't know, but when I say  15 that to his dad and his family asked him  16 you said you don't know which. I know it's  17 him because that is person I have a problem  18 with. I never have a problem with no one  19 in this country.</p> <p>20 Q. So you went to the police.  21 What happened next? Just tell me what  22 happened when you went to the police about  23 --</p> <p>24 A. When I went for I find the  25 title or back for what happened? Which one</p>	Page 60
<p>1 F. FRANCOIS  2 parking tickets that were given to BMW?</p> <p>3 A. No, if he said that, they would  4 not sent them to me.</p> <p>5 Q. He may have paid one or two,  6 but not the rest?</p> <p>7 A. He may have paid one or two,  8 but he got a lot. I have all of that. I  9 give that to my lawyer. Most them he did  10 not pay.</p> <p>11 Q. You don't know if he paid any  12 though?</p> <p>13 A. I don't know because I never  14 spoke to him about that. He made someone  15 text me. After they texted me telling me I  16 blocked all of the number. The detective  17 told me to block all the number. I never  18 know anything about that.</p> <p>19 Q. What do you mean somebody  20 texted you?</p> <p>21 A. Somebody texted me. I think  22 the day they arrest him somebody texted me  23 saying you will never come back to  24 Brooklyn, which is -- I was afraid and then  25 I called the detective. He said block any</p>	Page 59	<p>1 F. FRANCOIS  2 you want?</p> <p>3 Q. The first time you went to the  4 police.</p> <p>5 A. The first time I went to the  6 police, I went to the police, I said I need  7 to talk with someone because somebody used  8 my information. They said to me do I have  9 the proof. I said yes, I have the proof.  10 And I bring the title and then I also have  11 the paper that Capital One sent about the  12 loan that I need to pay I did not pay. And  13 then I go with them. With that, they say  14 there is a name where you buy the car.  15 The first police did not believe that.  16 They said that's strange, did you ever go  17 to that place? I said I don't know where  18 is that in Bronx because this is a place I  19 never went. They said you have to go  20 there. Pretend that you don't know -- you  21 don't want to buy the car. Ask them to  22 give you the paper where you signed because  23 it says that you are the one that went and  24 by the car. Which is what I did. After I  25 went to the police they said go there and</p>	Page 61

<p style="text-align: right;">Page 62</p> <p>1 F. FRANCOIS  2 then them give you the paper, come back to  3 us.  4 Q. Okay. I am going to go through  5 that in a minute. So you went through that  6 with the police, and what happened next?  7 Did there come a time that you had a  8 conversation with a district attorney?  9 A. No. The person I went to was  10 just police who was taking my deposition  11 and everything. And they said detective is  12 not here, but we want you to do something  13 with that. We want you to bring us more  14 proof because the person Emmanuel Laforest,  15 and you are married to his family. That's  16 your husband's bother. We need more proof.  17 Can I just take a break real  18 quick?  19 (Whereupon, a short recess was  20 taken.)  21 Q. I want to go back Ms. Francois.  22 I want you to assume that Emmanuel Laforest  23 testified under oath in this case he did  24 not know you were married to Stanley  25 Laforest. Was he lying about that?</p>	<p style="text-align: right;">Page 64</p> <p>1 F. FRANCOIS  2 thing I can think is grandpa was telling  3 that before was one week before or two  4 weeks he always come early in the morning  5 at 6:00 a.m. 7:00 a.m. asking about did you  6 receive any mail; did you receive any mail?  7 Grandpa already had the mail, which is the  8 title. Grandpa did not give it to him  9 because it was my name on it because that  10 is the reason he was coming early, early  11 every morning just to get the title.  12 Because I would never know that something  13 was in my name because if I did not have  14 the title I would never now know nobody did  15 that. That is the reason, but I can't tell  16 you how did he get the mail.  17 Q. Okay. I want you to assume he  18 testified you were only a family friend of  19 the family.  20 A. Family friend, I married his  21 brother. If I was a family friend -- I  22 married his brother. We've married for  23 years married.  24 Q. So he was lying about that too,  25 wasn't he?</p>
<p style="text-align: right;">Page 63</p> <p>1 F. FRANCOIS  2 A. I can't say yes, no because I  3 never saw him, like I said to you. Nobody  4 never knew what he was doing. I can't say  5 to you yes or no because nobody know what  6 he was doing.  7 Q. I want you to assume he  8 testified in terms of where you lived, and  9 specifically about Farragut Road, you  10 really just came and went there. You did  11 not really live there. You were just  12 coming and going there.  13 A. Okay, that's not true. I have  14 a picture everywhere in the house where my  15 husband's clothes was, where the bathroom  16 was.  17 Q. One thing I am curious about,  18 you said he was never really and you also  19 said the mail would be handed to grandma or  20 grandpa or somebody. When would he have  21 the an opportunity to steal the mail?  22 MR. GOODMAN: Objection to  23 form. Go ahead.  24 A. That question I don't know how  25 he would be able to do that because only</p>	<p style="text-align: right;">Page 65</p> <p>1 F. FRANCOIS  2 A. Yes, because we married and we  3 are still married.  4 Q. Basically, you can't believe  5 anything he says, can you?  6 MR. KESHAVARZ: Objection to  7 the form of the question.  8 MR. GOODMAN: Thank you.  9 Q. You can answer.  10 A. No. I can't lie because most  11 of the time he is lying, but I can't tell  12 you how he gets the mail. Then for me  13 married, a friend? Okay. I am a friend  14 and living with your brother and like we  15 here are now.  16 Q. Okay. Let's go back to you  17 went to the police, the police asked you to  18 get more documentation, correct?  19 A. Yes.  20 Q. And so what did you do next?  21 A. Okay. Next what I did was I  22 called my uncle and explained to him about  23 that, which he said find out the address  24 because I send him the picture of the deal.  25 I did not know where the dealership is.</p>

<p style="text-align: right;">Page 66</p> <p>1 F. FRANCOIS  2 My uncle find out for me and my uncle also  3 called them to make appointment, which they  4 give my uncle an appointment.  5 Q. Okay. I'm sorry. Your uncle,  6 when you say your "uncle," that's Papito?  7 A. Correct.  8 Q. Right?  9 A. Yes.  10 Q. How old is Papito?  11 A. Papito is 57.  12 Q. And he is your uncle on your  13 mother's side or your father's side?  14 A. He is my uncle because my mom  15 and her mom's sister was cousin. We have  16 been calling family. In my country we  17 still call family cousin or auntie.  18 Q. Okay. So is he not --  19 A. My dad and my mom, no.  20 Q. He is not related to you by  21 blood?  22 A. Yes. He is related to me by  23 blood because my grandma, it was my  24 grandma's sister.  25 Q. So he is the son of your</p>	<p style="text-align: right;">Page 68</p> <p>1 F. FRANCOIS  2 Q. So before the day you went  3 there you never spoke to anybody at the  4 dealership?  5 A. No.  6 Q. It was Papito who called to  7 make the appointment?  8 A. Yes.  9 Q. So the day you when the there  10 you went with Papito?  11 A. Yes.  12 Q. Anyone else?  13 A. No, me and my uncle both.  14 Q. When you got there, did you  15 meet with anybody specifically?  16 A. Yeah. After I said I am here  17 to see someone to talk about the car, then  18 she called the guy who was behind her.  19 Q. Okay. And do you know that  20 guy's name?  21 A. No, I don't remember that guy's  22 name. I don't remember the guy I met.  23 Q. Can you describe him?  24 A. Definitely. He was a little  25 like a little fat.</p>
<p style="text-align: right;">Page 67</p> <p>1 F. FRANCOIS  2 grandma's sister?  3 A. Yes.  4 Q. All right. And so go ahead.  5 He told us he made an appointment at the  6 dealership?  7 A. Yes.  8 Q. Okay. And did there come a  9 time that you went to the dealership?  10 A. I'm sorry. Yeah. When we got  11 the time and the date they give him the  12 hour that we have to go there. And then we  13 went there when I went there and then I saw  14 when I went --  15 Q. Okay, okay. Let me just ask  16 the questions. What is the date that you  17 went there?  18 A. The date that I went there was  19 in September, but I don't remember the  20 specific date that I when the there.  21 Q. Okay. And when is the first  22 time that you spoke to anybody at the  23 dealership about this BMW situation,  24 whether it was on the phone or in person?  25 A. The day that I went there.</p>	<p style="text-align: right;">Page 69</p> <p>1 F. FRANCOIS  2 Q. Wait. I don't know what you're  3 saying.  4 A. I don't want to say fat. He  5 was a Spanish guy.  6 Q. A Spanish guy. How long tall  7 was he?  8 A. Not too tall because his belly  9 was big and then he was...  10 Q. Did he have a beard?  11 A. Yeah, he had a beard. I  12 remember his face.  13 Q. Did you then have a  14 conversation with him?  15 A. Yes, because he was busy and we  16 sit and waiting, waiting. And I was like  17 -- he was like, when he come in sorry, we  18 were really busy. I said I want to see the  19 paper I signed because I need to do  20 something.  21 Q. When you asked that question, I  22 need to see the papers, was Papito sitting  23 with you or was he --  24 A. Yeah, we were both talking to  25 the guy.</p>

<p>1 F. FRANCOIS</p> <p>2 Q. Were you in an office?</p> <p>3 A. No, we were inside of the</p> <p>4 dealership.</p> <p>5 Q. In the showroom? Were you</p> <p>6 sitting in a chair?</p> <p>7 A. Yeah, we were sitting. They</p> <p>8 give us a chair when we come in. We were</p> <p>9 sitting.</p> <p>10 Q. And was the person you were</p> <p>11 talking to behind a desk?</p> <p>12 A. No. He came to u. He leave</p> <p>13 his desk because I was like been waiting</p> <p>14 for a while. They never come to talk to</p> <p>15 us. There were other people waiting.</p> <p>16 Finally, he saw my face so mad he come to</p> <p>17 me and said she said you have been waiting</p> <p>18 for us. Sorry. We had another customer.</p> <p>19 And I told him the reason I</p> <p>20 come in. And he said we can't give you the</p> <p>21 paper today because we do not keep them</p> <p>22 when the person finish buying the car. It</p> <p>23 is in another place. He slowed me the</p> <p>24 other place which was already closed</p> <p>25 because it was 4:00, 5:00.</p>	Page 70	<p>1 F. FRANCOIS</p> <p>2 A. Yes, he showed me where they</p> <p>3 were.</p> <p>4 Q. What happened next?</p> <p>5 A. I said I need them. He said I</p> <p>6 understand, but you have to come in two</p> <p>7 days. It was Tuesday or Monday, and he</p> <p>8 said you have to come in Thursday to get</p> <p>9 it. And I said okay, what time. And he</p> <p>10 said you can come in about 2:00. And I</p> <p>11 said I need paper. He said when you come</p> <p>12 in, paper will be available for you.</p> <p>13 Q. Did you have any other</p> <p>14 conversation with him? Did you say</p> <p>15 anything to him? Did he say anything to</p> <p>16 you?</p> <p>17 A. Not the day. I did not say</p> <p>18 anything about that. All I was saying was</p> <p>19 I need the paper that I signed.</p> <p>20 Q. And then after he told you you</p> <p>21 have to come back in two days, you left?</p> <p>22 A. Yes, me and my uncle, we left.</p> <p>23 Q. How did you get to the</p> <p>24 dealership that day?</p> <p>25 A. My uncle drive me there.</p>	Page 72
<p>1 F. FRANCOIS</p> <p>2 Q. When you came in you saw a</p> <p>3 receptionist, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And then from the receptionist</p> <p>6 how long was it after you talked to the</p> <p>7 receptionist that you talked to the person</p> <p>8 you described?</p> <p>9 A. It was a while because we had</p> <p>10 been sitting. We had been sitting. We had</p> <p>11 been sitting. I went there, it was early.</p> <p>12 The appointment was early. I think it was</p> <p>13 1:30 and we end up talking to him about</p> <p>14 4:00. We had been sitting three hours.</p> <p>15 Q. During those three hours did he</p> <p>16 come over and say, I know you are here, I</p> <p>17 am going to talk to you later, or did he</p> <p>18 just not --</p> <p>19 A. He come to us and I know you</p> <p>20 are waiting, but I have other people. I am</p> <p>21 going to finish with them and I will be</p> <p>22 back.</p> <p>23 Q. Then he came back and you</p> <p>24 stated I want to see papers, and he said</p> <p>25 they are in a different location, right?</p>	Page 71	<p>1 F. FRANCOIS</p> <p>2 Q. Okay. So he has his own car?</p> <p>3 A. Yeah, he has his own car.</p> <p>4 Q. So then you left after he told</p> <p>5 you to come back in two days. What</p> <p>6 happened next? Did you go back to the</p> <p>7 police?</p> <p>8 A. I go back to the police and I</p> <p>9 told them. They said okay, go back get the</p> <p>10 paper. He said the paper will be ready,</p> <p>11 you have to go get the paper.</p> <p>12 Q. So did you go back in two days?</p> <p>13 A. Yes, I do. I was more early.</p> <p>14 Q. Did you go back with anyone?</p> <p>15 A. Yeah, with my uncle.</p> <p>16 Q. So you both went back two days</p> <p>17 later?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And what happened then?</p> <p>20 A. When I went there, I was</p> <p>21 sitting a while, sitting, sitting, and the</p> <p>22 guy was saying the paper is not ready. It</p> <p>23 took a while. I said, listen, and I was</p> <p>24 mad. I said listen, first of all, let me</p> <p>25 tell you the truth. I have never been</p>	Page 73

<p>1 F. FRANCOIS  2 here, and I don't know the place. You guys  3 did something on my name. I don't know who  4 did that. And a lot of people was  5 listening. He said I don't know what you  6 are talking about. What happened? Explain  7 to me.  8 Q. Hold on. The person you were  9 talking to, this is now two days later, the  10 second visit, right?  11 A. Yeah.  12 Q. Who were you talking to?  13 A. The same person that was  14 telling me to come get the paper.  15 Q. The same one you described  16 before?  17 A. Mm-hm.  18 Q. Okay. So what did he tell you  19 about where the papers were when, whether  20 the papers were ready, whatever it was?  21 A. He was telling me the paper is  22 not ready, and he told me it is not ready  23 because there were a lot of things he was  24 doing. We have to make another  25 appointment, which I was getting mad. I</p>	Page 74	<p>1 F. FRANCOIS  2 me his card.  3 Q. He gave you his card?  4 A. Yes, he has my number. He was  5 texting me. He was calling me.  6 Q. Okay. Slow down.  7 A. Yeah.  8 Q. Do you have his card? Do you  9 still have his card?  10 A. No. I don't have that. I  11 don't know where I put the card.  12 Q. Did you ever give the card to  13 your lawyer?  14 A. No. Because I was looking for  15 the card because I was moving from my  16 husband house to come my home. Grandma  17 house I did not know where I put this  18 paper.  19 Q. Describe him again. Young, but  20 let's do more detail. What did he look  21 like?  22 A. He looked like a Spanish guy,  23 black hair. He had like black hair. And  24 he was sitting in his office telling me  25 that we can fix that. Is he went and get</p>	Page 76
<p>1 F. FRANCOIS  2 said I am not coming here. And he said  3 what? I have never been to this place. I  4 never come here. I said I got a paper from  5 you guys someone come here with my  6 information, and you sell a person a car  7 under my name. You used all of my  8 information. He said okay, give me one  9 second. He goes straight -- I saw him go  10 to a young guy that has an office, and the  11 guy look at me and send him to get me and  12 my uncle.  13 Q. Okay. And so when you went in  14 to talk to that young guy?  15 A. Yeah. And then I went there --  16 Q. Hold on. Did you go into his  17 office?  18 A. Yeah. Me and my uncle.  19 Q. Can you describe that young  20 guy?  21 A. It looks like he was a Spanish  22 guy, but he was telling me he is the  23 owner's son.  24 Q. Okay.  25 A. He is the owner's son. He gave</p>	Page 75	<p>1 F. FRANCOIS  2 another paper. He bring all of those  3 papers.  4 Q. He brought the papers?  5 A. Yeah, and he put it in the  6 table. And he was telling me I am very  7 sorry for what happened, but I am going to  8 explain to you. And then he showed me a  9 copy of the ID and Emmanuel ID.  10 Q. Okay. Hold on a second.  11 You described him as young,  12 maybe Spanish guy, black hear. How tall?  13 A. Not like tall, tall, tall, but  14 I can give him six-three or six-two. I  15 don't know.  16 Q. When you say "young," how old  17 is young?  18 A. Young. People can be 50 and  19 you look young. But young, he was looking  20 more young than his father because he was  21 in the next office next to him.  22 Q. How do you know his father was  23 in the office next to him?  24 A. Because he when he call his  25 father and father come to me and present</p>	Page 77

<p>1 F. FRANCOIS  2 himself, he said I'm his father. I am  3 owner of the place.  4 (Whereupon, an off-the-record  5 discussion was held.)  6 Q. We are at a point now where he  7 laid out the papers on the table. This  8 young guy and you said words to the effect  9 of -- you correct me if I am wrong -- he  10 wants to fix this problem, right?  11 A. Yes.  12 Q. Okay. And what did he say he  13 was going to do to fix the problem?  14 A. Okay. First of all, you want  15 the paper. He wanted to make sure he  16 showed me the ID they have on file. And  17 then he showed me the paper and said this  18 is your driver's license, and this is  19 Emmanuel's. Did you know that guy showed  20 me, Emmanuel Laforest, and you live at the  21 same address on the driver's license? And  22 then also it was on the later paper that  23 had information about my social, things  24 like that. Which is where I tried to take  25 a picture of that. He stopped me and he</p>	Page 78	<p>1 F. FRANCOIS  2 Q. So he said -- I'm sorry. I  3 didn't pick that up. What was the last  4 thing you said?  5 A. It was one of the employees  6 that did this.  7 Q. So he said it was one of the  8 employees that did this?  9 A. Yeah.  10 Q. And then what happened next?  11 A. And then he said, you know,  12 it's COVID. We do not have -- I said stop  13 telling me about COVID. That has nothing  14 to do with that because he went in person.  15 He said okay, what you are going to do  16 since you have the title? Can you leave  17 the title. I said no way. He said me and  18 my dad are going to fix that. And his dad  19 come and present himself. He said you do  20 not have to go to the police, things like  21 that. We are going to ask him to bring the  22 car back. I said no Capital One be calling  23 me at the job. I have been stressing. I  24 have to answer them because they think I  25 don't want to pay them.</p>	Page 80
<p>1 F. FRANCOIS  2 said no, you cannot do that.  3 Q. All right. He showed you the  4 picture or he showed you a copy of your  5 driver's license and Emmanuel's driver's  6 license. What was the information that you  7 had about that?  8 A. First of all, I said this is  9 the driver's license I never received from  10 the DMV. How could you guys that? He said  11 that this is the person who come to buy the  12 car.  13 Q. Okay. And go ahead. What is  14 the next conversation that you had?  15 A. And then I was mad. I said  16 what you guys did is not good. He was  17 telling me it is COVID. I said I  18 understand a person buys the car online.  19 Because I am customer service; I can do an  20 account online. We do not have power to  21 control that. But the person come in  22 person to do this, but you do not see me.  23 And it is my ID and you guys still sell him  24 that. He said it was one of my employees  25 that did that.</p>	Page 79	<p>1 F. FRANCOIS  2 Q. So hold on. He said leave the  3 title for the car? He said I will take  4 care of this if you leave the title to the  5 car, and you said no way, right?  6 A. Yeah.  7 Q. Okay. And then so why didn't  8 you want to leave the title?  9 A. Leave the title? What I am  10 dealing now -- I think what they did to me  11 is not fair putting me in stress and make  12 me almost lose my job by crying because I  13 come to this country to get a better life  14 to help my family, not to be doing what  15 they are doing to people.  16 Atny1: I move to strike the  17 nonresponsive portion.  18 Q. So did he explain to you why he  19 needed the title?  20 A. Yes. He said with the title  21 they are going to ask him to bring the car  22 and then pay the loan. They said they were  23 take the responsibility to pay the \$20,000  24 loan with the Capital One, which is they're  25 going to remove everything on my name.</p>	Page 81

<p>1 F. FRANCOIS</p> <p>2 Q. He basically said if you leave</p> <p>3 the title we are going to take care of all</p> <p>4 of this, get the car back, pay off the</p> <p>5 loan, and everything will be resolved;</p> <p>6 that's is what he told you right?</p> <p>7 A. Yeah, that's what he said.</p> <p>8 Q. Why didn't you want to do that?</p> <p>9 A. Because I know they are not</p> <p>10 going to do it.</p> <p>11 Q. How did you know they were not</p> <p>12 going to do it?</p> <p>13 A. If they were doing that, why</p> <p>14 didn't they ask him to bring the car? Why</p> <p>15 didn't he pay the loan? When he finished</p> <p>16 the lease -- they will tell me we pay the</p> <p>17 loan and you can bring the title. I will</p> <p>18 bring the title after they pay the loan.</p> <p>19 Q. What you're saying is you did</p> <p>20 not trust them to do what they said they</p> <p>21 were going to do, right?</p> <p>22 A. Yes, because they didn't want</p> <p>23 to show me the guy picture who did that.</p> <p>24 I said let get the information of the guy</p> <p>25 who sell him. I have to go to the police</p>	Page 82	<p>1 F. FRANCOIS</p> <p>2 Then, I have all of the picture of the</p> <p>3 paper, which I take the picture. He said</p> <p>4 to me to delete it. I did not delete it.</p> <p>5 I went to the police and shared it to the</p> <p>6 police.</p> <p>7 Q. Okay. When did you take</p> <p>8 pictures of all of the papers?</p> <p>9 A. When they had it in the place.</p> <p>10 Q. In the dealership?</p> <p>11 A. Yeah.</p> <p>12 Q. I though you said before they</p> <p>13 said do not take a picture of it?</p> <p>14 A. I already took it. They say</p> <p>15 don't take it, but I already took the</p> <p>16 picture.</p> <p>17 Q. So then you went back to the</p> <p>18 police with the pictures, correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And what happened?</p> <p>21 What did the police say at that point?</p> <p>22 A. Okay. And then they go</p> <p>23 upstairs in a room and they have a lot of</p> <p>24 information. I give them Emmanuel's</p> <p>25 information. They saw it on the driver's</p>	Page 84
<p>1 F. FRANCOIS</p> <p>2 because maybe they did that to other people</p> <p>3 who don't know. If I did not receive the</p> <p>4 title, I will not know what happened on my</p> <p>5 name.</p> <p>6 Q. So you decided not to do what</p> <p>7 they asked you to do to fix the problem.</p> <p>8 What did you do next?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 the form of the question. You can</p> <p>11 answer.</p> <p>12 The question is: "What did you</p> <p>13 do next?"</p> <p>14 I object foot form of "what did</p> <p>15 you do next?" The predicate was</p> <p>16 untrue, so that is what I was</p> <p>17 objecting to.</p> <p>18 MR. GOODMAN: How is it untrue</p> <p>19 that was her testimony?</p> <p>20 MR. KESHAVARZ: All right.</p> <p>21 What did you do next? Go ahead.</p> <p>22 A. Next, when they said that, I</p> <p>23 when the to the police because the police</p> <p>24 was needing me to get information about</p> <p>25 Emmanuel Laforest, the ID, all of that.</p>	Page 83	<p>1 F. FRANCOIS</p> <p>2 license and compared with what they have in</p> <p>3 their thing. They bring a big picture and</p> <p>4 showed me this is him. This is him. This</p> <p>5 is him. And I said yes, this is the same</p> <p>6 person. And they said okay, they are going</p> <p>7 to pursue with the thing. And this is what</p> <p>8 happened.</p> <p>9 Q. Okay. When is the next time</p> <p>10 you talked to the police after they said we</p> <p>11 are going to pursue him?</p> <p>12 A. They called me and said they</p> <p>13 are going to -- they arrested him. And</p> <p>14 they called me and said they arrested him</p> <p>15 and they are going to send me a picture to</p> <p>16 identify if it is him.</p> <p>17 Q. And did that happen?</p> <p>18 A. Yes, it did. They sent me a</p> <p>19 picture.</p> <p>20 Q. During this process when is the</p> <p>21 first time you spoke to your husband</p> <p>22 Stanley Laforest about what you were doing</p> <p>23 with the police?</p> <p>24 A. He is the one saying I want you</p> <p>25 to go to the police because you don't know</p>	Page 85

<p>1 F. FRANCOIS  2 everything my brother did to the car. He  3 may end up doing something and kill someone  4 and use the car or whatever, and it is  5 going to end up going to you because the  6 car is in your name and you could get  7 arrested for that.  8 Q. Did there come a time that you  9 learned the dealership actually did get the  10 car back from Emmanuel Laforest?  11 MR. KESHAVARZ: Objection to  12 form. Go ahead.  13 A. The guy, the son's dealer, they  14 called me he. Told me we have the car  15 back. He did not get the car back because  16 my husband saw Emmanuel with the car. The  17 day he told me he has the car, he not have  18 the car.  19 Q. Do you think they ever got the  20 car back?  21 A. I don't know. I never asked  22 because they were calling me to bring the  23 title, title, title. And I blocked the  24 number. And I was blocking every number I  25 did not know because I was scared.</p>	Page 86	<p>1 F. FRANCOIS  2 they title and we do the Capital One, but  3 they never explained to me we need the  4 title to pay Capital One.  5 Q. Okay. So what's the next  6 interaction you had with the police about  7 this situation after they sent you that  8 picture of him?  9 A. I said that was him, and after  10 that I received call from Brooklyn federal,  11 which I received a call. There was a woman  12 calling me and explaining to me all of the  13 process. And then also they were giving  14 me, the police, I think, where I am he  15 can't be close to me because I been  16 receiving people calling me telling me  17 things like that.  18 I said to them I am even scared  19 to go to work because I don't want them to  20 come to my job. And she was telling me all  21 of the process.  22 Q. Now, who was this woman? You  23 said a woman called you?  24 A. My lawyer has the name of that.  25 It is Brooklyn federal. It is the federal</p>	Page 88
<p>1 F. FRANCOIS  2 Q. So if we have pictures of the  3 car being brought back, would that change  4 your impression of whether the car was  5 taken back or not?  6 MR. KESHAVARZ: Objection form.  7 It's also speculation.  8 Q. You can answer.  9 A. No, because for me that does  10 not mean nothing because what they were  11 doing with Emmanuel. Bring the car, not  12 bring the car. They are still not paying  13 the Capital One. It is still affected  14 online.  15 Q. You understand they could not  16 pay Capital One unless they have the title?  17 MR. KESHAVARZ: Objection,  18 form. No predicate for testifying,  19 but you can go ahead and answer the  20 question, if you know.  21 A. I don't know.  22 Q. Okay. Did anybody at the  23 dealership explain to you we need the title  24 in order to pay off Capital One?  25 A. They were telling me you bring</p>	Page 87	<p>1 F. FRANCOIS  2 court, the lawyer in front of him was going  3 to have to go to the court every time.  4 Q. It is a district attorney, a  5 prosecuting attorney?  6 A. Yes.  7 Q. Okay. And you gave your lawyer  8 that name?  9 A. Yeah, they have woman name who  10 was to call me.  11 Q. When did you give your lawyer  12 that name?  13 MR. KESHAVARZ: Do not talk  14 about when you gave me information.  15 You can talk about when you got it,  16 but you can't talk about your  17 communication.  18 MR. GOODMAN: I am not asking  19 your communication. I am asking the  20 date. That's not communication.  21 A. The day that the woman contact  22 me?  23 Q. What is the date the woman  24 contacted you?  25 A. I would have to go through all</p>	Page 89

<p>1 F. FRANCOIS  2 of my emails. It was by email, then she  3 was trying to call me, but I never  4 answered. And then she sent me an email.  5 Did you need it now?</p> <p>6 MR. GOODMAN: We can leave a  7 blank in the transcript if the court  8 reporter would do that?</p> <p>9 A. (Information requested: _____  10 _____).</p> <p>11 Q. After that date, how long after  12 that did you call the your attorney?</p> <p>13 A. I don't remember.</p> <p>14 Q. Was it a day? Was it a week?  15 Was it a month?</p> <p>16 MR. KESHAVARZ: Asked and  17 answered. She said she did not  18 answer.</p> <p>19 MR. GOODMAN: Asked and  20 answered from you, that's pretty  21 rich.</p> <p>22 Q. Go ahead. You can answer.</p> <p>23 A. I don't remember.</p> <p>24 Q. I am asking you if you can  25 approximate whether it was a short length</p>	Page 90	Page 92
<p>1 F. FRANCOIS  2 of time, a long length of time, a month of  3 time, a year of time.</p> <p>4 MR. KESHAVARZ: Objection to  5 the form of the question.</p> <p>6 A. I don't remember. That's all I  7 can say. Because I don't remember really  8 because me and her we spoke multiple times.  9 I don't remember.</p> <p>10 Q. Okay. And this prosecutor you  11 spoke to many times, when is the last time  12 you spoke to her?</p> <p>13 A. The last time I spoke to her  14 was in 2021.</p> <p>15 Q. Okay.</p> <p>16 A. I don't remember. I can't give  17 you the date of the year. I don't  18 remember.</p> <p>19 Q. All right. What was that  20 conversation? What did you say to her and  21 what did she say to you?</p> <p>22 A. She was going over all they  23 already know about, what the police already  24 told her. And then she will repeat  25 everything, and I said to her yes, and then</p>	Page 91	Page 93

<p>1 F. FRANCOIS  2 was telling me he has a court.  3 Q. He has what?  4 A. He has a court. He has to go  5 to the court. It was in 2021.  6 Q. I mean, early 2021, late 2021?  7 A. I don't remember.  8 Q. Okay. When is the last time  9 you had any conversation with anyone at the  10 dealership?  11 A. For the dealership it was in  12 2020 because nobody ever called me or said  13 anything else.  14 Q. I think you testified that you  15 blocked their number?  16 A. Yeah, I blocked there son  17 number because sometimes he called me in  18 the number and sometimes he called me at  19 different number. I don't know if it was  20 him, if it was Emmanuel friend had been  21 texting me. I don't know. I was scared  22 and all I wanted to do is block everyone  23 who deals with that because I did not want  24 nobody to wait for me on the street and end  25 up doing something to me.</p>	Page 94	<p>1 F. FRANCOIS  2 because I was at work.  3 Q. You were what?  4 A. I was at work, working.  5 Q. So you said yes, yes to what?  6 A. Yes to I will call you. I will  7 let you know when, and then that's it.  8 Q. And then you decided never to  9 call him back?  10 A. Yeah.  11 Q. You never did call him back?  12 A. No.  13 Q. Okay. And he had told you in  14 the last conversation we have the car, if  15 you bring the title we can take care of all  16 of this, right?  17 MR. KESHAVARZ: Objection,  18 form.  19 Q. You can answer.  20 A. He did not say it like that.  21 Q. What did he say? Tell me what  22 he said.  23 A. He said bring the title  24 Emmanuel bring the car and this is when I  25 say to him okay. I called my husband. He</p>	Page 96
<p>1 F. FRANCOIS  2 Q. Did you think someone from the  3 dealership was going to wait for you on the  4 street?  5 A. Maybe the guy who did that was  6 there if it was a friend doing that with  7 him with people ID and information. If  8 they did that, what could they not do?  9 MR. GOODMAN: I move to strike  10 the nonresponsive portion.  11 Q. So you testified that there  12 were calls that came to you from the  13 dealership after the time that you were  14 there the second time, correct?  15 A. Yes, correct.  16 Q. Did you take those calls?  17 A. Yes, the son owner I spoke to  18 him, which he was telling me that to bring  19 the title. And then he told me that they  20 got the car, they just waiting for me to  21 bring the title.  22 Q. Okay. And what did you tell  23 him?  24 A. I just said to him yes because  25 I did not want to continue the conversation</p>	Page 95	<p>1 F. FRANCOIS  2 said no, my auntie just saw Emmanuel just  3 in the car, which is true. Emmanuel was in  4 the car. And they did not get the car.  5 That's how I knew they were lying.  6 Q. That's what you told them? I  7 am not asking what you thought. I am  8 asking what you said to the person from the  9 dealership when they said we have the car  10 just bring in the title.  11 A. I just said to them yeah,  12 okay.  13 Q. And that was the end of the  14 conversation?  15 A. Yeah, because I was at work.  16 I did not want to continue the conversation  17 because I had customer in front of me.  18 Q. A customer told you?  19 A. I customer in front of me. I  20 was opening an account for a customer.  21 Q. And that was the last  22 conversation you had with anybody at the  23 dealer ship?  24 A. After this, they tried to call  25 me and I did not pick up the phone again.</p>	Page 97

<p>1 F. FRANCOIS  2 Q. When was the first time you  3 spoke to your attorney that's on this  4 deposit right now?  5 MR. KESHAVARZ: He is just  6 asking for a date.  7 MR. GOODMAN: I am asking the  8 questions.  9 Q. What is the date, when did you  10 first speak to Mr. Keshavarz?  11 MR. KESHAVARZ: Just the date,  12 go ahead.  13 A. I don't remember the date.  14 Q. Okay. What time of year was  15 it?  16 A. The time? It was in the  17 afternoon. That's all I mean.  18 Q. The time of year, not the time  19 of day. Was it winter? Was it summer was?  20 Outside, was snow on the ground?  21 A. No, I was at work when I called  22 him. I was at work and then I called him  23 from my work phone.  24 Q. Was it before or after you went  25 to the dealership to talk about the --</p>	Page 98	<p>1 F. FRANCOIS  2 2021 that you first spoke to Mr. Keshavarz?  3 MR. KESHAVARZ: Objection to  4 form.  5 A. Because the thing happened in  6 2020, okay? If this happened in 2020, I  7 did not contact any lawyer after that. I  8 was trying to resolve anything if they can  9 remove with Capital One and fix everything  10 they did on my credit. All of those  11 things, which they never did anything.  12 Which is, like I said, I have to file a  13 lawyer. It was the next year I am pretty  14 sure. I am not really sure.  15 Q. Capital One did rescinded your  16 loan, correct?  17 A. Say that again.  18 Q. They fixed the problem with the  19 loan on the car, correct, capital one?  20 MR. KESHAVARZ: Objection to  21 form.  22 A. I don't know because I never  23 checked with them because I received a lot  24 of letter from them, and I gave to my  25 lawyer.</p>	Page 100
<p>1 F. FRANCOIS  2 A. It --  3 Q. You have to let me finish the  4 question.  5 Was it before or after you went  6 the dealership to talk about the problem  7 with the BMW?  8 MR. KESHAVARZ: Objection to  9 form. Go ahead. Was it before or  10 after.  11 A. I think it was after. This is  12 a long time after.  13 Q. Okay. How long after?  14 A. Because what they did to me  15 happened in 2020 because I remember I spoke  16 to my lawyers between 2021, I guess. Yeah,  17 because when actually I had been received  18 letter from Capital One and when I called  19 company Capital One I received letter from  20 ATM -- MTA. And then also from parking  21 ticket, a lot of tickets. It was driving  22 my crazy.  23 MR. KESHAVARZ: Just pause for  24 a second.  25 Q. Now, you are saying it was in</p>	Page 99	<p>1 F. FRANCOIS  2 Q. As we sit here today was it  3 your understanding the loan from Capital  4 One in your name is still open?  5 MR. KESHAVARZ: Objection to  6 form go ahead.  7 A. I don't know if it is still  8 open.  9 Q. Okay. When you first spoke to  10 a lawyer, who was it? Who is the first  11 lawyer you spoke to?  12 A. The first lawyer I spoke about  13 the case?  14 Q. Yes.  15 A. I spoke with my lawyer and then  16 get my lawyer that's it.  17 Q. Who was it?  18 MR. KESHAVARZ: He is just  19 asking a name. If you know the first  20 lawyer that spoke to you about what  21 happened.  22 A. When I called it was Emma, and  23 they put me to Ahmad.  24 Q. And you do not know when that  25 conversation was in 2021?</p>	Page 101

<p style="text-align: right;">Page 102</p> <p>1 F. FRANCOIS  2 A. I had conversation in 2021.  3 Q. Wait, what?  4 A. 2021.  5 Q. Okay. When did you retain your  6 lawyer in this case?  7 MR. KESHAVARZ: Objection.  8 A. I don't understand.  9 Q. Did you sign some papers that  10 Mr. Keshavarz's law firm is going to be  11 your attorney in this case?  12 A. Yes.  13 Q. When was that?  14 A. I don't know the date. Not the  15 date that I really spoke to him, but after  16 we decide I said I want him it present to  17 me.  18 Q. Was it your understanding that  19 that representation was to file a lawsuit  20 or for something else?  21 A. I was considering that with  22 everything that I was doing. I could not  23 say to you.  24 Q. In other words, to help you  25 through the process of the letters and the</p>	<p style="text-align: right;">Page 104</p> <p>1 F. FRANCOIS  2 MR. GOODMAN: We are not going  3 to break with an open question.  4 That's for sure.  5 MR. KESHAVARZ: I am not saying  6 that.  7 Q. You can answer, Ms. Francois?  8 A. Can you repeat the question  9 again?  10 Q. What I am asking is you told us  11 you have everything, that is with your  12 terminology; you had everything. All of  13 that documents you have, the papers from  14 the MTA and the parking tickets and Capital  15 One and all of that, right?  16 A. Yes.  17 Q. And then when you signed up  18 with your attorney the purpose of that was  19 to have assistance to work through all of  20 that, to deal with all of that, right?  21 MR. KESHAVARZ: Objection to  22 the form of the question.  23 A. Yes.  24 Q. Okay. At that point was your  25 purpose to file a lawsuit?</p>
<p style="text-align: right;">Page 103</p> <p>1 F. FRANCOIS  2 tolls and tickets and all of that stuff?  3 A. I already have everything.  4 Q. Say it again. I'm sorry. I  5 did not understand.  6 A. I already have everything  7 because everything was coming in my mail  8 every week. I already have everything.  9 Q. When you say you "have  10 everything," what do you mean?  11 A. MTA, parking ticket, Capital  12 One, all of that.  13 Q. Okay. I understand you have  14 all of that documentation that is what you  15 are saying, right?  16 A. Mm-hm.  17 Q. You have to say "yes."  18 A. Yes.  19 Q. My question is, you had all of  20 that, you went to the lawyer to help you  21 work through all of that, correct?  22 MR. KESHAVARZ: Objection to  23 the form of the question.  24 Whenever you are good for a  25 lunch break.</p>	<p style="text-align: right;">Page 105</p> <p>1 F. FRANCOIS  2 MR. KESHAVARZ: Objection to  3 form. He is not asking for our  4 conversation he is just asking what  5 your thought was.  6 A. Okay.  7 Q. Did you go to your lawyer to  8 file a lawsuit?  9 MR. KESHAVARZ: Objection to  10 form. You can go ahead.  11 A. I went to my lawyer first to  12 get all of those things and help me fix  13 what they did on my name. That is the  14 first thing I went to my lawyer to do.  15 For me remove all of my credit online,  16 TransUnion, Experian. My plan is to work  17 and save my money and buy a house. And I  18 was not able to do because I had to hire a  19 lawyer to fix all of my stuff because it  20 was too much for me.  21 Q. Okay. You understand that you  22 are now in a lawsuit? Your lawyers filed  23 on your behalf a lawsuit against the  24 dealership and some individual people; you  25 understand that, correct?</p>

<p>1 F. FRANCOIS</p> <p>2 A. Yes.</p> <p>3 Q. Whose idea was it to file a</p> <p>4 lawsuit?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 the form of the question. Don't</p> <p>7 answer.</p> <p>8 You're talking about</p> <p>9 communications with my client. I am</p> <p>10 not going to allow her to answer that</p> <p>11 one.</p> <p>12 Q. When was it that there was a</p> <p>13 decision to file a lawsuit?</p> <p>14 MR. KESHAVARZ: Do not answer</p> <p>15 that.</p> <p>16 MR. GOODMAN: I am asking about</p> <p>17 a date.</p> <p>18 A. For me it is the same question</p> <p>19 you asked me before. It is like your same</p> <p>20 question.</p> <p>21 Q. It is not the same question, so</p> <p>22 I am asking you a timeframe.</p> <p>23 When was it that a decision was</p> <p>24 made to file a lawsuit?</p> <p>25 MR. KESHAVARZ: Objection to</p>	Page 106	<p>1 F. FRANCOIS</p> <p>2 remember. I am trying to remember.</p> <p>3 Q. I'm just going to ask --</p> <p>4 A. I was really stressing. All I</p> <p>5 remember was my job was too much calling.</p> <p>6 My bos was telling me take one week stay</p> <p>7 home and fix about that, which that was too</p> <p>8 much for me.</p> <p>9 Q. When was it that your boss told</p> <p>10 you to take a week?</p> <p>11 A. It was when they were like</p> <p>12 calling me up, right, September or October</p> <p>13 the dealer was calling me, Emmanuel was</p> <p>14 calling me, and his friend was calling me.</p> <p>15 I don't even answer Capital One, the one</p> <p>16 was calling me most.</p> <p>17 Q. When was that? Was that in</p> <p>18 2020? Was that in 2021?</p> <p>19 A. Yeah, 2020.</p> <p>20 Q. It was in 2020. Who was</p> <p>21 Emmanuel's friend that was calling you?</p> <p>22 A. I don't know. They were just</p> <p>23 calling and then saying telling me that's</p> <p>24 not going to stop, that's not going to stay</p> <p>25 like that.</p>	Page 108
<p>1 F. FRANCOIS</p> <p>2 the form of the question.</p> <p>3 Not asking about our</p> <p>4 communications. If you have an</p> <p>5 answer based on your own knowledge,</p> <p>6 not from your conversations.</p> <p>7 MR. GOODMAN: All right, that</p> <p>8 is a talking objection. We can do</p> <p>9 without that.</p> <p>10 Q. Go ahead Ms. Francois, you can</p> <p>11 answer the question.</p> <p>12 A. I don't remember the date. I</p> <p>13 don't remember nothing about it.</p> <p>14 Q. You do not remember anything</p> <p>15 about that?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question. You can</p> <p>18 answer.</p> <p>19 A. I feel like I am --</p> <p>20 (Indiscernible.)</p> <p>21 Q. You feel like what? I'm sorry.</p> <p>22 A. I don't remember.</p> <p>23 Q. You said you feel like</p> <p>24 something.</p> <p>25 A. I said I feel like I don't</p>	Page 107	<p>1 F. FRANCOIS</p> <p>2 MR. GOODMAN: Mr. Keshavarz is</p> <p>3 very hungry. Let's take a lunch</p> <p>4 break.</p> <p>5 (Whereupon, a short recess was</p> <p>6 taken.)</p> <p>7 (Whereupon, at 2:17 P.M., Court</p> <p>8 Reporter Victoria Chumas was relieved</p> <p>9 by Sophia Toribio.)</p> <p>10 EXAMINATION BY</p> <p>11 MR. GOODMAN:</p> <p>12 Q. Ms. Francois, a couple of</p> <p>13 questions I forgot from earlier: Have you</p> <p>14 been known by any other names other than</p> <p>15 Farah Jean Francois?</p> <p>16 A. No, Farah Jean Francois.</p> <p>17 Q. Have you ever been known as</p> <p>18 Farah Felix?</p> <p>19 A. No.</p> <p>20 Q. Did you ever adopt the name</p> <p>21 Laforest as your married them?</p> <p>22 A. No, I'm still keeping my dad</p> <p>23 name.</p> <p>24 Q. I'm sorry?</p> <p>25 A. I'm still keeping my dad name.</p>	Page 109

<p>1 F. FRANCOIS  2 I never changed by name, Farah Jean  3 Francois.  4 Q. Also, you testified from  5 receiving some, I believe you said they  6 were text messages telling you things like  7 don't come back to Brooklyn, you correct me  8 if I'm wrong. Were those in the form of  9 text messages?  10 A. Yeah, it was in the text  11 message.  12 Q. You got text messages that you  13 interpreted as being threatening to you; is  14 that fair?  15 A. Yes.  16 Q. Do you still have those text  17 messages?  18 A. No, because I lost that phone.  19 Q. What was the number of that  20 phone?  21 A. The phone number, it was the  22 same. The phone number I have is the same  23 number.  24 Q. Who was the phone provider?  25 A. It was a Samsung. The phone</p>	Page 110	<p>1 F. FRANCOIS  2 happening and only know what was happening  3 and then explain the same, that's all.  4 Q. When was that that you did  5 that? You're talking about a conversation  6 you had with your attorney?  7 A. No.  8 Q. Okay. I'm asking what you did  9 to prepare for your deposition today.  10 A. (No response.)  11 Q. Did you talk to your attorney;  12 yes or no?  13 A. Yeah, I talk with my attorney,  14 yeah.  15 Q. Was it both of them, Emma and  16 Ahmad, or just one of them?  17 A. Yeah, both of them. I was in  18 communication with both of them.  19 Q. When were you last in  20 communication with both of them?  21 A. This morning, to remind me the  22 time. Because I was at work, do not forget  23 about the time that I have to be home.  24 Q. How long did you talk to them  25 this morning?</p>	Page 112
<p>1 F. FRANCOIS  2 was a Samsung.  3 Q. Was it AT&amp;T or was it T-Mobile?  4 A. It was T-Mobile, I guess.  5 Q. So, you lost that phone and  6 replaced it with the same number?  7 A. Yeah, the same number. I still  8 have the same number.  9 Q. What is that number?  10 A. (917) 291-5097.  11 Q. So, we were talking about when  12 you retained your attorney.  13 Tell me what you did in  14 preparation for this deposition.  15 A. Say that again, sorry.  16 Q. What did you do to prepare for  17 this deposition?  18 MR. KESHAVARZ: He's not asking  19 what was said between us, if  20 anything. He's just asking what you  21 did, not the contents of what you  22 did. Go ahead.  23 A. Okay. What I did, just like  24 everything that happened to tell you. To  25 explain everything the same way that's</p>	Page 111	<p>1 F. FRANCOIS  2 A. How long?  3 Q. How long?  4 A. Maybe about 20 minutes or  5 10 minutes.  6 Q. Before that, when was the last  7 time you spoke to them in preparation for  8 this deposition?  9 A. I spoke with them yesterday,  10 with Emma yesterday.  11 Q. Just yes or no, did the  12 conversation include what happened at the  13 deposition yesterday of the Defendant?  14 A. I don't understand.  15 Q. Did that conversation include  16 discussion about a deposition that happened  17 in this case yesterday?  18 A. Yeah, what's going to happen,  19 everything.  20 Q. No. I'm asking about a  21 deposition that happened in this case of a  22 witness from one of the Defendants that was  23 deposed yesterday, did you talk about that?  24 A. I don't remember.  25 Q. You can't remember from</p>	Page 113

<p>1 F. FRANCOIS  2 yesterday?  3 A. I don't remember because I  4 don't understand really what you're trying  5 to ask me.  6 Q. What I'm trying to ask you is  7 whether you had a discussion with your  8 attorneys, Emma, I guess it was, about a  9 deposition in this case of a witness,  10 someone that you sued in this case, that  11 happened yesterday?  12 MR. KESHAVARZ: This is  13 attorney-client privilege, but go  14 ahead I'll let her answer this one  15 question.  16 THE WITNESS: I don't  17 understand the question.  18 MR. KESHAVARZ: I can tell you  19 the answer, Nicholas. The answer is  20 no, but if you want to keep on asking  21 it, go ahead.  22 MR. GOODMAN: Well, as I  23 understand, you weren't part of that  24 conversation, Ahmad, it was Emma.  25 MR. KESHAVARZ: Go ahead. Go</p>	Page 114	<p>1 F. FRANCOIS  2 said, I was at work, I was with my patient,  3 giving one of my patient medication. She  4 called me, I just pick up the phone and  5 then she just told me remember tomorrow is  6 the day, if you receive all the papers,  7 that you have to check all those papers. I  8 say okay. And then she say okay, we will  9 call you tomorrow morning just to remind  10 you again.  11 Q. Okay, so the answer is no.  12 So, Ms. Francois, what were all  13 the papers? Did you review any papers in  14 preparation for your deposition?  15 A. The paper that she's talking  16 about is like the same paper you have.  17 This one that you're showing me, that's the  18 ones that I was trying to go to my e-mail  19 to just look at now. I wasn't able to do  20 that.  21 Q. You tell me, what were the  22 papers?  23 A. The same one that you shared to  24 the screen.  25 Q. The one I shared to the screen</p>	Page 116
<p>1 F. FRANCOIS  2 ahead, ask your question.  3 MR. GOODMAN: Can the Reporter  4 read back the question, please.  5 (Whereupon, the referred to  6 question was read back by the  7 Reporter.)  8 A. No.  9 Q. How long was your conversation  10 with Emma yesterday?  11 A. I don't remember, because I was  12 not keeping remember all the conversation I  13 had with them.  14 Q. What time of day did that  15 discussion take place?  16 A. The time? I was at work when  17 Emma called me. I don't remember what time  18 it is, because I was giving my patient  19 medication and I was taking care of a  20 patient and I just pick up the phone.  21 Q. So, you don't remember what  22 time it was and you don't remember how long  23 it was, right, even though it was just  24 yesterday?  25 A. Because I was at work. Like I</p>	Page 115	<p>1 F. FRANCOIS  2 was the Capital One Fraud Submission?  3 A. I'm pretty sure that's one of  4 the thing. Something like that they might  5 e-mail it to me.  6 Q. My question is very simple,  7 it's not difficult. What documents did you  8 review in preparation for your deposition  9 today?  10 A. What paper that I review?  11 Q. Correct.  12 A. All the paper that you have  13 there.  14 Q. How do you know what I have?  15 A. Well, the paper that I know you  16 have, all that I see that happen to the  17 case, all the paper, that's all the paper.  18 From the Capital One, from the dealership,  19 all those papers.  20 MR. GOODMAN: Move to strike  21 the nonresponsive portions.  22 Q. Ms. Francois, did your  23 attorneys send you papers to look at in  24 preparation for your deposition?  25 A. Did my attorney send me paper</p>	Page 117

<p>1 F. FRANCOIS  2 to look at? Yeah, they send me paper.  3 They send me a paper from -- this morning  4 they send me an e-mail. If I'm right, this  5 morning they send me an e-mail and  6 yesterday again they would send me an  7 e-mail also.  8 Q. So, what documents were in that  9 e-mail for you to review in preparation for  10 your deposition?  11 A. It's my deposition that I did.  12 Q. What do you mean by that? What  13 deposition did you do?  14 A. I have to go to my e-mail to  15 look at this thing.  16 MR. KESHAVARZ: Don't check  17 your e-mail. The question is: Do  18 you remember what you reviewed or  19 not?  20 Q. You said a deposition that you  21 gave, what deposition did you give?  22 A. All those paper that you have  23 in your hand, just to look at all those  24 paper again, like I say to you.  25 Q. Let me ask you one more time:</p>	<p>Page 118</p> <p>1 F. FRANCOIS  2 like I told you, bring me to the office and  3 I sit down with him and he called his dad  4 and they come to the office and show me the  5 paper. Which I know it had Capital One on  6 it and all the bill of the car.  7 Q. So, did they give you a copy of  8 that paper?  9 A. Yeah, they give me some of them  10 because they didn't give me all of them.  11 Q. And do you have those papers  12 today, what they gave you?  13 A. Yeah, I have some of the paper,  14 the one that they give it to me.  15 MR. GOODMAN: I will call for  16 production of the papers that were  17 given to Farah Francois on the date  18 that she was at the dealership  19 according to her testimony. Some of  20 the papers, that's her testimony.  21 MR. KESHAVARZ: They've been  22 produced. Go ahead.  23 MR. GOODMAN: Have they been  24 identified as the papers that were  25 produced on that day? Because you</p>
<p>1 F. FRANCOIS  2 How do you know what papers I have in my  3 hand?  4 A. The Capital One, I'm telling  5 you about -- it can be the same I have or  6 it can be you have different one. The  7 Capital One and then also the dealership,  8 the paper that they gave it me about  9 Emmanuel bought this car, that's all the  10 paper. And then also, what I explain to my  11 lawyer what happened since September 2021.  12 It's all those paper.  13 Q. So, it's your testimony that  14 the dealership gave you papers about what  15 happened, about Emmanuel buying the car?  16 A. This is not what I say.  17 Q. Okay. Did you take pictures of  18 those papers?  19 A. They give me a paper, the paper  20 which that I bought the car, because they  21 was assume that it was me.  22 Q. Who gave you that paper?  23 A. The son.  24 Q. Whose son?  25 A. The owner son. The owner son,</p>	<p>Page 119</p> <p>1 F. FRANCOIS  2 gave us a document dump of 4,000  3 pages and you never responded to the  4 demand that you identify which papers  5 were --  6 MR. KESHAVARZ: I think you  7 might want to just ask her about the  8 papers. Just show her the papers and  9 ask her.  10 MR. GOODMAN: I just did ask  11 her and she's not answering.  12 BY MR. GOODMAN:  13 Q. And previously this morning,  14 Ms. Francois, you gave testimony about  15 taking photographs with your phone of  16 papers that were on a desk. Do you  17 remember that?  18 A. Yes. Which is like I said to  19 you, it was my copy of my driver's license,  20 they have there, and Emmanuel driver's  21 license. Which they didn't want me to take  22 the picture. This is the one I have proof  23 to give it to the police to tell them this  24 is all the information they gave to me,  25 yeah.</p>

<p>1 F. FRANCOIS</p> <p>2 Q. How many photographs did you</p> <p>3 take when you were in the dealership of</p> <p>4 papers?</p> <p>5 A. One, because they didn't let me</p> <p>6 want to take a picture. They said no,</p> <p>7 that's illegal, you cannot take a picture.</p> <p>8 I said I can, if it's my ID, if it's my</p> <p>9 information in that.</p> <p>10 Q. Just so I'm clear, it may be</p> <p>11 repetitive but I want to be clear on this:</p> <p>12 There was a point on your second visit to</p> <p>13 the dealership, you claim that you were at</p> <p>14 the dealership twice, correct?</p> <p>15 A. Yeah.</p> <p>16 Q. And you were with Papito both</p> <p>17 times, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And the second time your</p> <p>20 testimony is that someone retrieved papers</p> <p>21 from this transaction with the BMW and</p> <p>22 Emmanuel, correct?</p> <p>23 A. Yeah.</p> <p>24 Q. And showed you the papers,</p> <p>25 correct?</p>	Page 122	Page 124
<p>1 F. FRANCOIS</p> <p>2 A. Yeah, and showed me the paper</p> <p>3 that who have my driver's license on it and</p> <p>4 then Emmanuel driver's license.</p> <p>5 Q. And you took a photograph of</p> <p>6 one page that had your driver's license and</p> <p>7 Emmanuel's driver's license; is that</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Just one photo?</p> <p>11 A. Yeah.</p> <p>12 MR. GOODMAN: And I would ask</p> <p>13 that you produce the photo that was</p> <p>14 taken. Not a photocopy of the</p> <p>15 license, but the actual photo from</p> <p>16 your phone as you transmitted it to</p> <p>17 wherever you transmitted it and that</p> <p>18 that be produced.</p> <p>19 Q. So, Ms. Francois, in addition</p> <p>20 to taking a picture with your phone of that</p> <p>21 driver's license, you also received copies</p> <p>22 of what you said were some of the papers</p> <p>23 from the file, correct?</p> <p>24 A. Yeah.</p> <p>25 Q. And you left the dealership</p>	Page 123	Page 125
<p>1 F. FRANCOIS</p> <p>2 Q. Of 2021?</p> <p>3 A. Yeah, last December.</p> <p>4 Q. Last December, okay.</p> <p>5 A. Yeah.</p> <p>6 MR. GOODMAN: All right. Let's</p> <p>7 look, Ms. Reporter, if we can, at</p> <p>8 Exhibit A, the Capital One Fraud</p> <p>9 Submission. And if we want to mark</p> <p>10 that, I mean, I guess we can mark it</p> <p>11 Defendant's Exhibit A, if there's no</p> <p>12 objection. We haven't marked any</p> <p>13 previously, so it would begin with</p> <p>14 Exhibit A. And I guess you're going</p> <p>15 to need to share the screen.</p> <p>16 THE COURT REPORTER: Sure.</p> <p>17 (Whereupon, the aforementioned</p> <p>18 document was marked as Defendant's</p> <p>19 Exhibit A for identification as of</p> <p>20 this date by the Reporter.)</p> <p>21 (Screen sharing.)</p> <p>22 MR. GOODMAN: If you could</p> <p>23 please scroll to the next page. It</p> <p>24 should have a Bates stamp on the</p> <p>25 bottom of Francois 18.</p>		

<p style="text-align: right;">Page 126</p> <p>1 F. FRANCOIS 2 (Reporter complies.) 3 MR. GOODMAN: Okay, 4 Ms. Reporter, can you expand that out 5 so we can see the entire page. 6 (Reporter complies.) 7 MR. GOODMAN: Thank you. 8 BY MR. GOODMAN: 9 Q. Ms. Francois, I want you to 10 look at what's on the screen now as the 11 second page of Defendant's Exhibit A. Take 12 a look at that and tell me when you're 13 finished looking at that. 14 (Whereupon, the Witness peruses 15 the document.) 16 A. Yeah, I finished to look at. 17 Q. So, what is that? 18 A. That's the Affidavit that they 19 kept calling me. I told them that wasn't 20 me who did that. I never applied for a 21 loan. 22 Q. And you filled this out on 23 September 23rd of 2020. You see that date 24 on there? 25 A. Yes.</p>	<p style="text-align: right;">Page 128</p> <p>1 F. FRANCOIS 2 you direct your attention to the checked 3 boxes. It says, "Tell us about your 4 situation:" Do you see that? 5 A. Yeah. 6 Q. And it says, "Types of Identity 7 Theft you have experienced:" 8 A. Uh-huh. 9 Q. And you checked "Loans" and you 10 checked "Other." Do you see that? 11 A. Yes. 12 Q. What did you mean by "Other?" 13 A. My ID, my Social, this is all 14 the things that have been stolen. 15 Q. Then under number 2 it says 16 "What Happened:" And it says, "What was 17 your first indication that you might be a 18 victim of identity theft? (check all that 19 apply):" Did I read all of that correctly? 20 A. Yeah. 21 Q. And you checked the box for 22 "Mail Service Disrupted." Do you see that? 23 A. Yeah. 24 Q. What does that mean? What did 25 that mean to you? Why did you check that</p>
<p style="text-align: right;">Page 127</p> <p>1 F. FRANCOIS 2 Q. And you listed your address as 3 2914 Farragut Road, correct? 4 A. Uh-huh. 5 THE COURT REPORTER: Is that a 6 yes or no? 7 A. Yes. 8 MR. GOODMAN: Can you please 9 scroll down to the next page. 10 (Reporter complies.) 11 MR. KESHAVARZ: I just want to 12 make sure, Ms. Francois, are you able 13 to read the document that's in front 14 of you? Because it's kind of small 15 on your screen. 16 THE WITNESS: Yeah, I do. I 17 do. I see my name on it, "Farah Jean 18 Francois." 19 MR. KESHAVARZ: I just wanted 20 to make sure. 21 THE WITNESS: Thank you, Ahmad. 22 BY MR. GOODMAN: 23 Q. So, you see now this is the 24 third page. It should have a Bates stamp 25 on the bottom of Francois 19. Again, can</p>	<p style="text-align: right;">Page 129</p> <p>1 F. FRANCOIS 2 box? 3 A. I checked that box because that 4 was mail the DMV send it to me, to my 5 address and then I never received that 6 mail. Which is somebody else receive it, 7 which is Emmanuel Laforest receive it and 8 keep the mail. 9 Q. And you also checked the box 10 that said "Noticed Credit Report 11 Inaccuracies." 12 A. Yes. 13 Q. Why did you check that box? 14 A. Because I received from 15 Experian that my credit score been going 16 down. And when I click on that to review 17 that and I see the loan on that. 18 Q. How long had your credit score 19 been going down as of September 23rd of 20 2020? 21 MR. KESHAVARZ: Objection to 22 form. 23 Q. You can answer. 24 A. I think since -- because it's 25 not the first place he went to visit with</p>

<p style="text-align: right;">Page 130</p> <p>1 F. FRANCOIS  2 my information. All those place he went is  3 in my credit. That's when all the place he  4 went, every time you check your credit, it  5 put your credit score down.  6 Q. All the places he went? Where  7 did he go? What do you mean by all the  8 places he went?  9 A. He went to the dealership with  10 that, which is they check my credit. This  11 is put my credit down.  12 Q. How did that put your credit  13 down?  14 A. That put my credit down because  15 my credit -- listen, when you apply for a  16 loan and you never pay your loan, whatever  17 you apply, whatever you did, you never pay  18 for that, that's not going to put your  19 score up, it put your score down.  20 Q. What was your credit score on  21 September 23rd of 2020?  22 MR. KESHAVARZ: Objection to  23 form.  24 A. I don't remember.  25 Q. Is it your testimony that it</p>	<p style="text-align: right;">Page 132</p> <p>1 F. FRANCOIS  2 any, have you had to pay as a result of  3 identity theft?" Did I read that  4 correctly?  5 A. Yeah, 29,462.81. That's the  6 loan that they get for the Capital One.  7 Q. But you didn't have to pay  8 that, did you?  9 A. I don't know, but me, I was  10 scared because someone been calling me and  11 been telling me that I never pay nothing.  12 I didn't know if I have to pay or not pay.  13 All I know is that was my name on it and  14 that was coming to me that I have to pay  15 that money, which I never got that loan  16 and --  17 MR. GOODMAN: Move to strike  18 the nonresponsive portion.  19 Q. Did you ever pay 29,462.81?  20 A. No.  21 Q. Did you ever pay anything on  22 the Capital One loan?  23 A. No. Why would I pay something  24 that I did not do?  25 Q. So, you never paid a dollar,</p>
<p style="text-align: right;">Page 131</p> <p>1 F. FRANCOIS  2 was lower on September 23, 2020 that it had  3 been before May 30th of 2020?  4 MR. KESHAVARZ: Objection to  5 form.  6 A. Yeah.  7 Q. So, your testimony is it went  8 down from May of 2020 to September of 2020?  9 MR. KESHAVARZ: Objection to  10 form.  11 You can answer.  12 A. It keep going down because it's  13 not going up. That's all I know, that my  14 credit keep going down because I had my  15 credit -- I was trying to work on my credit  16 to build my credit to get more credit to  17 apply for a loan to get my house. I was  18 trying to save money to buy my house which  19 is like that did affect me because that put  20 me more down.  21 Q. What put you more down?  22 A. The loan. \$20,000 is not easy.  23 Q. On the Exhibit A, third page,  24 the one we have on the screen, if you see  25 down at the bottom, "How much money, if</p>	<p style="text-align: right;">Page 133</p> <p>1 F. FRANCOIS  2 thank you.  3 And, in fact, your  4 understanding, as a result of this Fraud  5 Affidavit and Questionnaire, Capital One  6 rescinded the loan. They pulled it back  7 and said you're not responsible for it  8 anymore; isn't that correct?  9 A. I don't know about that because  10 they didn't tell me. Capital One didn't  11 tell me what they were going to do. They  12 just sent me this paper.  13 Q. They never sent you a paper  14 that said we've acknowledged your  15 application and we've determined to rescind  16 your loan? You never got that?  17 A. I don't remember, but they send  18 me a paper that I have to notarize it.  19 They was telling me that the paper had to  20 be notarized and then send it back to them.  21 I don't remember.  22 Q. So, if I told you that the  23 document from Capital One in which they  24 said the loan is resolved, you're not  25 responsible anymore is actually attached as</p>

<p>1 F. FRANCOIS  2 an exhibit to your Complaint in this  3 lawsuit, would that refresh your  4 recollection?</p> <p>5 MR. KESHAVARZ: Objection to  6 form.</p> <p>7 Q. Go ahead, you can answer it.</p> <p>8 A. Well, if it's there, but I  9 don't remember all those paper that they  10 send it to me.</p> <p>11 Q. But you said you don't know  12 whether you're still responsible for this  13 loan or not. Is that your testimony?</p> <p>14 A. Yeah, because my name was on  15 it. It was on my name, which is like if  16 something is on your name you have to pay  17 for that. That's why I don't know if I'm  18 responsible for that.</p> <p>19 Q. As you sit here today, you  20 think you still have to pay for this loan?</p> <p>21 MR. KESHAVARZ: Objection to  22 form.</p> <p>23 A. I don't know.</p> <p>24 Q. Well, did your lawyer ever tell  25 you anything about that?</p>	Page 134	<p>1 F. FRANCOIS  2 toward this loan, right? That was your  3 testimony correct?</p> <p>4 A. No.</p> <p>5 Q. Right. No, you didn't pay,  6 correct?</p> <p>7 A. Yes, I did not pay anything.</p> <p>8 Q. Okay. So, that means that the  9 loan was taken out in May, it would have  10 already been delinquent by three months by  11 the time we got to September, correct?</p> <p>12 MR. KESHAVARZ: Objection to  13 form.</p> <p>14 Q. You can answer.</p> <p>15 A. I'm not a lawyer, I don't know  16 nothing about that, which is that's why I  17 got a lawyer to do, a person who know  18 better about that because I don't know  19 nothing about that. This is the first time  20 that happened to me, somebody stole all my  21 information and did things like that. I  22 don't know nothing about that, how do that  23 work, if they going to remove it or they  24 did not remove it. I don't know nothing  25 about that.</p>	Page 136
<p>1 F. FRANCOIS  2 MR. KESHAVARZ: No, no, don't  3 answer that.</p> <p>4 You know better than that,  5 Counsel.</p> <p>6 Q. Yes or no?</p> <p>7 MR. KESHAVARZ: No, don't  8 answer that question.</p> <p>9 Q. Okay. By the way, you just  10 testified that Capital One was calling you,  11 telling you that you had to pay this  12 morning. Remember you gave that testimony?</p> <p>13 A. No, this is not what I said. I  14 said Capital One been calling me saying  15 that I've been late in paying, which is I  16 never paid them since I bought the car,  17 which is Capital One did not know it wasn't  18 me, and me neither, I didn't know that the  19 do loan under my name.</p> <p>20 Q. When is the first time Capital  21 One called you and told you you're late on  22 the payment?</p> <p>23 A. In 2020. I do not remember  24 when the first time they called me.</p> <p>25 Q. But you never paid anything</p>	Page 135	<p>1 F. FRANCOIS  2 Q. So, as you sit here today you  3 think you might still have to pay on this  4 loan, right?</p> <p>5 MR. KESHAVARZ: Objection.</p> <p>6 Form, asked and answered. Go ahead.</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know, okay. But let  9 me ask again: When, I'm asking for a date,  10 it doesn't have to be an exact date, but  11 approximately when, was it June, July,  12 August, that Capital One called you, as you  13 said they did, to tell you that you were  14 late in paying on this loan?</p> <p>15 MR. KESHAVARZ: Objection to  16 form.</p> <p>17 A. I really don't remember the  18 date that they call me. I don't know when.</p> <p>19 Q. But it was before you filed  20 this fraud application, your fraud claim,  21 correct?</p> <p>22 MR. KESHAVARZ: Objection.</p> <p>23 Form, asked and answered.</p> <p>24 MR. GOODMAN: Neither are a  25 fair objection, but go ahead, you can</p>	Page 137

<p style="text-align: right;">Page 138</p> <p>1 F. FRANCOIS 2 answer. 3 A. You say if it's before I filed 4 the -- 5 Q. You said before, your 6 testimony, which will stand on the record, 7 that Capital One had been calling you to 8 tell you you were late on payment on the 9 loan, correct? 10 A. Yeah. They e-mailed -- they 11 mailed me, because when I received the 12 title I received the paper from Capital One 13 too, saying about the late bill. 14 Q. Your testimony is that grandma 15 or grandpa at 2914 Farragut would collect 16 the mail from the mailman, correct? 17 A. Yes. 18 Q. And then they would give you 19 the mail that was for you, right? 20 A. Yeah. They give it to my 21 father-in-law because sometimes when I go 22 there, I already asleep because sometimes I 23 finish work at 6:30, 7:00, typically close 24 at 7:00. 25 Q. Would they give it to your</p>	<p style="text-align: right;">Page 140</p> <p>1 F. FRANCOIS 2 about the stress that you suffered, the 3 emotional stress, the bags under your eyes 4 and all that, I'm not asking you that now, 5 I'm going to ask you. Right now, I'm 6 asking you to tell me how what you say the 7 dealership did damaged you in terms of 8 dollars. Can you answer that? 9 MR. KESHAVARZ: Objection, 10 form. Go ahead. 11 THE WITNESS: I really don't 12 understand the question. Can you 13 explain to me, Ahmad? 14 MR. KESHAVARZ: No. If you 15 don't understand the question, just 16 say you don't understand the 17 question. 18 A. Yeah, I don't understand the 19 question. 20 Q. Okay. I want you to tell me 21 every dollar that you spent out of your 22 pocket that you claim was a result of what 23 the dealership did in this lawsuit? 24 MR. KESHAVARZ: Objection to 25 form. Go ahead.</p>
<p style="text-align: right;">Page 139</p> <p>1 F. FRANCOIS 2 husband, Stanley? 3 A. No, they give it to my 4 father-in-law. My father-in-law sometimes 5 give it to Stanley or sometimes give it to 6 me when he saw me when I come home after 7 work. 8 MR. GOODMAN: Give me one 9 second. 10 (Brief pause.) 11 MR. GOODMAN: Okay, that's all 12 I have for Exhibit A, so we can take 13 that off the screen. 14 (Screen sharing stopped.) 15 BY MR. GOODMAN: 16 Q. I want to ask you, 17 Ms. Francois, you understand that in this 18 lawsuit you're claiming that you suffered 19 certain damages, you lost certain things as 20 a result of what you say, what you claim 21 the dealership did, right? You understand 22 that? 23 A. Yes. 24 Q. So, I want to ask you to tell 25 me, in terms of dollars, I'm not asking you</p>	<p style="text-align: right;">Page 141</p> <p>1 F. FRANCOIS 2 A. I don't remember. 3 Q. What was that? You don't know? 4 A. Yeah. I don't remember I said. 5 Q. Okay. There are certain 6 parking violations that were attributed to 7 the BMW, correct? 8 A. Yes. 9 Q. It got parking tickets, right? 10 A. Yeah, I got MTA tickets from 11 coming from New Jersey and things like 12 that. 13 Q. Did you ever pay anything out 14 of your own pocket, your own money to pay 15 off the parking violations? 16 A. No, but I still have them here, 17 because they still remove them. 18 Q. Did you pay anything for the 19 violations for the tolls, you know, the 20 tunnels and the bridges, did you pay 21 anything out of your pocket for those 22 violations? 23 A. MTA? No, I don't remember. 24 Q. Yeah, I'm sorry, MTA is the 25 right way to phrase that.</p>

<p>1 F. FRANCOIS  2 A. Yeah, I don't remember.  3 Q. No, you didn't pay anything,  4 correct?  5 MR. KESHAVARZ: Objection to  6 form. What did you say?  7 Q. Did you pay any money out of  8 your own pocket toward alleviating, or  9 whatever the word is, those violations with  10 the MTA?  11 MR. KESHAVARZ: Objection to  12 form.  13 A. (No response.)  14 Q. You can answer.  15 A. I don't know.  16 Q. You don't know?  17 A. Yeah, because I really don't  18 understand your question.  19 MR. KESHAVARZ: That's fine.  20 If you don't understand, say you  21 don't answer.  22 A. Yeah, I don't understand your  23 question. I don't know what your question  24 is.  25 Q. There were certain violations</p>	Page 142	<p>1 F. FRANCOIS  2 portion.  3 Q. There were certain moving  4 violations, right, the camera violations  5 where the camera took a picture of the BMW  6 violating some Vehicle and Traffic Law, do  7 you remember that?  8 A. Yeah, all those paper.  9 Q. Did you pay anything out of  10 your own pocket toward those violations?  11 MR. KESHAVARZ: Objection,  12 form. Go ahead.  13 A. I don't know. I don't  14 remember.  15 Q. If you don't know, who would  16 know?  17 MR. KESHAVARZ: Objection,  18 form.  19 A. I said I don't remember.  20 Q. Well, you said "I don't know,"  21 and then you said you --  22 A. I don't remember, I don't  23 remember, because there was a lot of paper  24 that keep coming, sending to me under my  25 name.</p>	Page 144
<p>1 F. FRANCOIS  2 issued by the MTA for the BMW, correct?  3 A. Uh-huh.  4 Q. You have to say yes.  5 A. Yes.  6 Q. And they came to you because  7 you were the title owner registered on the  8 car, correct?  9 A. Yes.  10 Q. Did you pay anything toward  11 those violations to make those violations  12 go away?  13 MR. KESHAVARZ: Objection to  14 form.  15 Q. You can answer.  16 A. I still have a lot. I still  17 haven't paid them because I'm going to go  18 in Bronx, because I went there to tell them  19 that, they ask me about a lot of paper. I  20 still have a lot to pay, that MTA thing,  21 and no, I haven't paid.  22 Q. You haven't paid anything to  23 date, right.  24 MR. GOODMAN: And I'm going to  25 move to strike the nonresponsive</p>	Page 143	<p>1 F. FRANCOIS  2 Q. Right.  3 A. Which is I don't remember.  4 Which you said in 2020, I was so depressed.  5 You think I'm going to remember everything  6 that he did and everything that the dealer  7 did? No.  8 Q. I'm not asking you to remember.  9 I'm asking you what you paid, money.  10 A. I told you those bills still  11 under my name because I still have to go.  12 The last time I went to Bronx, they said to  13 remove them I have to go to the police; not  14 only the police paper that I bring it who  15 says 17th Precinct and things like that  16 that I went there. They said they want all  17 those paper. I have to go to Brooklyn to  18 get all those papers and then to bring it  19 to them. Even MTA, they asked me do the  20 same thing, too.  21 Q. Who asked you to do that, MTA  22 and who else?  23 A. MTA and then the parking ticket  24 that he has. All the parking ticket he  25 take in the firefighter that he put the</p>	Page 145

<p>1 F. FRANCOIS  2 car, leaving the car, whatever. It's fine,  3 he can leave the car because the car is not  4 in his name, so that is not going to  5 connect to him.  6 Q. Do you have a date that you're  7 supposed to go take that?  8 A. No, they told me to remove it  9 that I have to go get those papers.  10 Q. When did they tell you that?  11 A. When I went there to ask them,  12 which is like all those tickets is not me,  13 it's something like someone doing take all  14 my information and then buy a car under my  15 name. I even bring them the Capital One  16 thing, which is the customer was telling  17 me, okay, to remove that we need more  18 proof, you have to go to the police. She  19 was telling me about the form that I have  20 to ask them and then I will have to come  21 back and make an appointment, which is not  22 like you go to the court, you have to make  23 an appointment online.  24 Q. But isn't it true you started  25 the process of getting those tickets</p>	<p>Page 146</p> <p>1 F. FRANCOIS  2 don't really understand you. Do you mean  3 to a collection agency?  4 A. To the collection, yes.  5 Q. Okay. So, you're receiving  6 letters from collection agencies; is that  7 correct?  8 A. Yeah, yeah. I did receive some  9 paper from collection.  10 MR. GOODMAN: Okay, and I would  11 ask that those papers received from  12 collection agencies concerning  13 violations on the BMW be preserved  14 and produced. I call for their  15 production from Ms. Francois.  16 Q. By the way, are you aware of  17 Mr. Emmanuel Laforest using your identity  18 for any purpose beyond or other than  19 purchasing the BMW?  20 A. I don't know. That's why I go  21 to the police, because I don't know what he  22 did with my ID, with my Social, who was in  23 his hand. And with the car, that's why I  24 was scared, because I say he may kill  25 someone and then leave it in the car. Who</p>
<p>1 F. FRANCOIS  2 removed and those violations removed in  3 September and October of 2020, correct?  4 A. Yeah, I've been trying to get  5 those tickets to remove and then most of  6 those tickets they asking me for that.  7 Q. You're saying now, it's more  8 than two years later, you still haven't  9 gotten them removed?  10 A. Yeah, still the BMW, I still  11 receive that.  12 Q. What does that mean? The  13 BMW -- say that again.  14 A. I still receive the ticket that  15 he never paid which is, okay, credit. They  16 send me in the credit thing I have to pay,  17 which is all those bills I did not pay,  18 they send it to the credit.  19 Q. They send it to the credit?  20 What does that mean, they send it to the  21 credit?  22 A. Okay, if you buy something and  23 you never pay for that, where they send it?  24 They send it to credit; yes, no?  25 Q. I don't know what you mean. I</p>	<p>Page 147</p> <p>1 F. FRANCOIS  2 the police going to look for is me, because  3 the car is in my name. That's why,  4 basically, I went to the police.  5 MR. GOODMAN: Move to strike  6 the nonresponsive portion.  7 Q. So, Ms. Francois, the question  8 is very simple: Are you aware of any other  9 use that he made of your identity other  10 than the --  11 A. I don't know.  12 Q. Well, have you received any  13 bills, any mail, anything from collection  14 agencies for things he bought or credit  15 cards he took out, anything like that?  16 MR. KESHAVARZ: Objection,  17 form.  18 You can answer.  19 A. I put to receive there, in 2914  20 Farragut, in front of the house, to 284 all  21 the mail, to not let me receive anything.  22 So, I moved there, I'm not living there  23 anymore. Everything that he receive, he  24 will keep it, he will not give it to me. I  25 even told you early that he received my</p>

<p>1 F. FRANCOIS  2 Green Card, he keep it.  3 Q. Let me ask you this: Why  4 didn't you sue Emmanuel Laforest in this  5 case?  6 MR. KESHAVARZ: Objection,  7 form.  8 If you have an understanding  9 that's not based on our  10 conversations, then you can answer.  11 But if you have an understanding  12 that's based on our conversations,  13 then don't answer it.  14 MR. GOODMAN: I object to that,  15 but go ahead, you can answer.  16 A. You say why I did not sue --  17 Q. Why didn't you sue him? He did  18 all this wrong to you.  19 A. Did Emmanuel apply for Capital  20 One or you? The dealership put my name in  21 Capital One without checking the people who  22 is coming to do things. Because he was not  23 online. If he was online, it's different  24 thing. Because I know about customer  25 service. Like I said to them, I'm a</p>	<p>Page 150</p> <p>1 F. FRANCOIS  2 MR. GOODMAN: Okay, you know  3 what, we will take a break after I  4 ask this question. I hope I get an  5 answer to it.  6 BY MR. GOODMAN:  7 Q. Again, why did you not sue  8 Emmanuel Laforest? You chose to bring a  9 lawsuit against a whole bunch of people and  10 companies, but you didn't sue him and he's  11 the one that stole everything from you,  12 lied so much. Why not?  13 A. Like I said, did Emmanuel was  14 the one who was like put all my information  15 in Capital One? Is Emmanuel who is the one  16 who is looking for my credit?  17 Q. Yes, he was.  18 A. He was not the one. Emmanuel  19 did not do it online. Like I said, if he  20 was online, that's another thing because  21 you don't have access to see who is behind  22 the computer, but he was in person --  23 MR. GOODMAN: Objection. Move  24 to strike the nonresponsive portions.  25 MR. KESHAVARZ: Wait. Let her</p>
<p>1 F. FRANCOIS  2 customer service employee for TD Bank. I  3 know that Emmanuel was coming with the ID  4 and sitting in front of them and they see,  5 they see my ID, they see a woman on that.  6 Why didn't you ask them for that?  7 MR. GOODMAN: I move to strike  8 the nonresponsive portion.  9 THE WITNESS: (Inaudible.)  10 (Whereupon, the Witness stands  11 up.)  12 MR. KESHAVARZ: Why don't we  13 take five minutes?  14 THE WITNESS: No, I'm okay,  15 Ahmad. I'm okay, I'm okay.  16 MR. KESHAVARZ: All right.  17 Just let us know if you change your  18 mind. It's not an endurance test.  19 MR. GOODMAN: If you want one,  20 Ahmad, we can do it for you. I mean,  21 it's up to you.  22 THE WITNESS: No, I'm okay, I'm  23 good.  24 (Whereupon, the Witness sits  25 down.)</p>	<p>Page 151</p> <p>1 F. FRANCOIS  2 finish her answer.  3 Go ahead, Ms. Francois.  4 A. He was in person and he sit  5 down with someone there, which they have  6 the video. Like I said to them, you guys  7 have to show the police the video when I  8 went there, because I never been there.  9 They said, okay, it's fine, we know you  10 never been there. Okay, so why didn't  11 they, when Emmanuel give them my Social and  12 my ID, why they didn't say this is a woman,  13 this is not that person here, this is only  14 you here, we cannot do that; why they  15 didn't do that?  16 Q. Okay, I'm not here to answer  17 questions, you're not here to ask  18 questions.  19 MR. GOODMAN: I move to strike  20 the nonresponsive --  21 A. I'm just answering your  22 questions.  23 Q. That's not an answer.  24 A. Yes, it is.  25 MR. GOODMAN: I move to strike</p>

<p>1 F. FRANCOIS  2 the nonresponsive portions.  3 Q. Who told you at the dealership  4 we agree, you weren't ever here? You just  5 said that.  6 A. The son told me that. The  7 father told me that when they said, yes,  8 he's the one who is bringing the ID, which  9 is your ID and which is his ID. When they  10 put all the paper, they put it in front of  11 me (indicating).  12 Q. So, I'm going to ask one more  13 time, it's pretty risky but I'll try it.  14 You went to the police about  15 Emmanuel Laforest, you testified today  16 about all the lying and deception and  17 thievery that he did and identity theft,  18 and yet, you chose not to bring a lawsuit  19 against him, why?  20 A. Say that again. Ask your  21 question again.  22 Q. For all that he's done bad to  23 you, you didn't want to bring him into this  24 lawsuit?  25 A. Emmanuel, that's why I went to</p>	<p>Page 154</p> <p>1 F. FRANCOIS  2 keeping his ID and say if you want to buy  3 the car, we're going to have to do it under  4 your name, but not under that person  5 because that person is not here, that  6 person is supposed to be here to do that.  7 MR. GOODMAN: I move to strike  8 the nonresponsive portion.  9 And, Ahmad, since you seem to  10 be out of control with your witness,  11 I would like you to please advise her  12 just to answer questions that are  13 being asked of her.  14 MR. KESHAVARZ: Actually, she  15 answered that perfectly.  16 MR. GOODMAN: I figured you  17 would say that, but you know better,  18 so.  19 BY MR. GOODMAN:  20 Q. Okay, but my question is you  21 seem to be saying that Emmanuel Laforest  22 went to the dealership alone; is that your  23 understanding?  24 MR. KESHAVARZ: Objection --  25 A. That's what they say to me.</p>
<p>1 F. FRANCOIS  2 the police, because what he did is the  3 police. But the basic people who did more,  4 who damaged all that is the dealership,  5 because the dealership is supposed to be --  6 whoever the customer come to your store  7 with somebody ID, you're not supposed to  8 accept that person if that person is not in  9 person who signed. Which is he falsified  10 my signature, which is not me and --  11 Q. So --  12 MR. KESHAVARZ: Wait, don't  13 interrupt her, don't interrupt her.  14 MR. GOODMAN: I'm not  15 interrupting anybody.  16 MR. KESHAVARZ: Yes, you are.  17 Were you done, Ms. Francois?  18 THE WITNESS: No, I'm not done.  19 MR. KESHAVARZ: Then continue  20 and finish your answer, please.  21 A. Yeah, it was their  22 responsibility to look at the ID. First of  23 all, it was not a man ID, it was a woman  24 ID. He went in there, he is a man ID, he  25 brought his ID. Why the dealership not</p>	<p>Page 155</p> <p>1 F. FRANCOIS  2 Q. That's what who said to you?  3 A. I said that to you. The son of  4 the dealer, the guy who went into his  5 office and sit down with the son, he said  6 Emmanuel come and sit down with the ID and  7 employee, one of his employee did it for  8 Emmanuel.  9 Q. So, your testimony, I just want  10 to make sure we're clear on this, your  11 testimony is that the son, you're calling  12 him, at the dealership told you that  13 Emmanuel Laforest was alone at the  14 dealership? He didn't bring anybody with  15 him?  16 A. No, he say Emmanuel brought the  17 ID. I said did he bring a woman? Because  18 I asked them that question, did they  19 brought a woman there? They said no, he's  20 coming here, but it was not us who do that,  21 it was the employee.  22 Q. That's your testimony, okay.  23 A. That's what they say.  24 Q. That's what they say, okay.  25 I've asked you before to tell</p>

<p style="text-align: right;">Page 158</p> <p>1 F. FRANCOIS 2 me everything that happened in that 3 conversation and now we're hearing new 4 parts of that conversation.</p> <p>5 A. It's not new part. I told you 6 about that they say -- when they say they 7 don't have no control about that because 8 it's COVID, which is I told them don't tell 9 me about COVID because it was not online, 10 COVID had nothing to do about that. If it 11 was online, that's another thing, but he 12 was in person and sit down with you guys 13 and you guys did this.</p> <p>14 Q. But this is the first time 15 you're telling me that you asked the 16 question did he bring a woman with him?</p> <p>17 MR. KESHAVARZ: Are you going 18 to argue with her? What's your next 19 question? Don't argue with my 20 client. What's your question?</p> <p>21 Q. Is this the first time that you 22 told them that?</p> <p>23 MR. KESHAVARZ: Objection, 24 form. Go ahead.</p> <p>25 Q. Why did you not tell me that</p>	<p style="text-align: right;">Page 160</p> <p>1 F. FRANCOIS 2 THE WITNESS: I just want to 3 keep on going and finish this up 4 because this thing really is 5 stressing me since 2020.</p> <p>6 (Whereupon, Mr. Goodman logs 7 off the Zoom meeting.)</p> <p>8 MR. KESHAVARZ: All right, 9 let's take a break for ten minutes.</p> <p>10 (Whereupon, at 3:06 P.M., a 11 short recess was taken.)</p> <p>12 (Back on the record at 13 3:25 P.M.)</p> <p>14 MR. GOODMAN: Are you ready?</p> <p>15 MR. KESHAVARZ: Yes.</p> <p>16 MR. GOODMAN: Ms. Francois?</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. GOODMAN:</p> <p>19 Q. In this case, are you claiming 20 that you have certain damages due to monies 21 you expended on postage?</p> <p>22 A. Say that again.</p> <p>23 MR. GOODMAN: Can you read it 24 back, please.</p> <p>25 (Whereupon, the referred to</p>
<p style="text-align: right;">Page 159</p> <p>1 F. FRANCOIS 2 before when I asked you --</p> <p>3 A. I told you, but you didn't 4 listen.</p> <p>5 Q. I didn't listen, okay.</p> <p>6 A. They bring all the paper. They 7 bring all they paper, they say I'm going to 8 show you what he do. And then they put all 9 the paper. They put it in front of me and 10 my uncle in the office. And then, he has 11 my driver's license copy and Emmanuel 12 driver's license copy.</p> <p>13 Q. Okay.</p> <p>14 A. Okay.</p> <p>15 MR. GOODMAN: All right. I 16 guess I was in a different place when 17 all that happened, but let's take a 18 ten-minute break.</p> <p>19 MR. KESHAVARZ: Ms. Francois, 20 do you want to keep on going and get 21 this over with?</p> <p>22 THE WITNESS: Yeah, I want to 23 keep on going.</p> <p>24 MR. GOODMAN: No, we're taking 25 a break.</p>	<p style="text-align: right;">Page 161</p> <p>1 F. FRANCOIS 2 question was read back by the 3 Reporter.)</p> <p>4 A. What does that mean "postage?"</p> <p>5 Because I don't get it, "postage."</p> <p>6 Q. Well, it's your claim. You've 7 claimed postage, so you tell me what you 8 meant by that when you claimed that.</p> <p>9 MR. KESHAVARZ: Objection, 10 form.</p> <p>11 Q. You can answer.</p> <p>12 A. I don't know what you're 13 talking about.</p> <p>14 Q. Okay. And in this case you've 15 make certain claims for monies you spent 16 for copying. Do you know that you did make 17 that claim?</p> <p>18 A. Yeah. All these paper, I make 19 a copy of that, yeah.</p> <p>20 Q. How much did you spend on 21 copying?</p> <p>22 A. I don't remember because I have 23 to do copy for the police, I have to do 24 copy for Capital One, I have to do copy for 25 MTA to send all those paper.</p>

<p style="text-align: right;">Page 162</p> <p>1 F. FRANCOIS  2 MR. GOODMAN: Move to strike  3 the nonresponsive portion.  4 Q. I'm asking you the dollar  5 amount that you are claiming as damages  6 from copying.  7 A. I don't know. I don't know. I  8 don't know to tell you that.  9 Q. Did you take documents to like  10 a FedEx, Kinko's or something to have them  11 copied? Where did you have the copies?  12 I'm sorry, let me rephrase it.  13 A. Staples, Staples. I went to  14 Staples and other places. I went to  15 Staples when they were asking me for  16 copies. I don't remember the other place I  17 went for copies.  18 Q. Do you have receipts for that?  19 A. No, it's since 2020 and I'm  20 moving from where I used to live, so I did  21 not keep any receipt of that.  22 Q. Okay, thank you.  23 Now, one of your claims in this  24 case is that you had to, quote, put your  25 stuff in storage. Do you know that to be</p>	<p style="text-align: right;">Page 164</p> <p>1 F. FRANCOIS  2 Q. Do you have any receipts for  3 those three or four months?  4 A. No, I don't have any receipt  5 for that. That was not in any mind to keep  6 receipt for nothing. I'm losing my mind to  7 save my life, to get out of Brooklyn.  8 Q. Okay. So, the reason you had  9 to put your stuff in storage was because  10 you were threatened by Emmanuel Laforest or  11 people with him, correct?  12 A. Yes.  13 Q. And you also, in this case, are  14 claiming stress of your marriage, correct?  15 A. Yes.  16 Q. Now, if I understood your  17 earlier testimony, again, you correct me if  18 I'm wrong, you're trying to reconcile with  19 Stanley Laforest now, correct?  20 A. We try to -- what we built,  21 what we had, like he say that you cannot  22 let go, what happened with my brother, and  23 then destroy us. I say that if I knew your  24 brother was like -- for me, I tell him a  25 lot of things. I say your brother can be a</p>
<p style="text-align: right;">Page 163</p> <p>1 F. FRANCOIS  2 one of your claims in this lawsuit?  3 A. Yeah, because I was scared  4 about that. Because Emmanuel was so mad  5 and then his friend, when they been calling  6 me on the phone and calling me and then  7 giving me that and then calling me on  8 blocked numbers, my husband was scared. He  9 said you have to go to your friend or go to  10 your family. And then all that thing we  11 get, my bed, all my stuff from my room. I  12 couldn't bring everything back to my uncle  13 because I was not living there anymore and  14 I have to put everything in storage.  15 Q. Is it still in storage?  16 A. No, I get rid of that because  17 I've been paying storage. You have to pay  18 storage every month, every month, so no.  19 Q. How many months was it in  20 storage?  21 A. I leave it there for three or  22 four months and then after that I used the  23 car and then after that all that I got with  24 me is my clothes and all of that I just  25 left it.</p>	<p style="text-align: right;">Page 165</p> <p>1 F. FRANCOIS  2 killer, he can be anyone. Because if I  3 know he be stealing people's stuff, I would  4 never marry to you, I would never want my  5 baby will have nothing to do with your  6 family. And it was like every day we would  7 have those fighting. Like, when he coming  8 to see me, to visit me, I would always say  9 you know what, I want to stop our  10 relationship. This is our stress because  11 he was going through a lot. He has to stop  12 school, because he was in nursing school  13 also, him, and that was a lot for us.  14 Q. So, where are you at right now  15 with him?  16 A. He call me asking me if  17 everything is okay, how is the school.  18 Since he know I go back to school, I'm  19 taking RN, because I did not stop from the  20 nursing school. And he always -- if I have  21 homework to do, I ask him because he  22 already finish from RN, I ask him and he  23 give me some answers and helping me with  24 the school sometimes.  25 Q. So, you're also claiming in</p>

<p style="text-align: right;">Page 166</p> <p>1 F. FRANCOIS  2 this case that your credit was damaged as a  3 result of what happened with the BMW; is  4 that correct?  5 A. Yes.  6 Q. How do you understand that your  7 credit was damaged?  8 A. I understand because whatever  9 you buy, whatever you bought, if you don't  10 pay on time, what is going to happen? It's  11 going to drop your credit. Which is what  12 happened to my credit score, it's been  13 dropping, dropping, dropping, dropping,  14 never go back where it used to do and I was  15 trying to build my credit. Like I said  16 before, I was trying to build my credit to  17 be able to save my money to buy my house  18 and which is like my credit been going  19 down, going down which I can never do that.  20 Q. What is the highest credit  21 score that you ever had?  22 MR. KESHAVARZ: Objection,  23 form.  24 A. (No response.)  25 Q. You can answer.</p>	<p style="text-align: right;">Page 168</p> <p>1 F. FRANCOIS  2 that it drop.  3 Q. So, the highest was 780,  4 correct?  5 A. Yeah, it was 780.  6 Q. 780, okay. So, do you have any  7 documentation that would establish that,  8 that would show that 780?  9 A. No, no. Because the reason it  10 was 780 is because I got American Express.  11 To get American Express, your credit have  12 to be good. I have an American Express  13 card before and I have a Macy's before.  14 Q. So, the highest ever was 780.  15 What's the lowest it's been?  16 A. I don't remember the lower.  17 Because after that, I was not keep tracking  18 my credit score, keep tracking my credit  19 score because I know every time you go into  20 your credit score sometimes they damage  21 your credit score. I know that I will not  22 keep checking my credit cards and things  23 like that because I was planning to save my  24 money to buy my house, so that's why I was  25 working on my credit. So, I never go to my</p>
<p style="text-align: right;">Page 167</p> <p>1 F. FRANCOIS  2 A. Answer? I have to give a  3 specific number or I don't have to give a  4 specific number?  5 MR. KESHAVARZ: Just listen to  6 the question. If you know the answer  7 to the question, then say what the  8 answer is. If you don't know, then  9 you say you don't know. Just listen  10 to the question. Go ahead.  11 A. I had credit. I had credit it  12 was like 780 before I had that. And then  13 after that, my credit been dropping and  14 then I been trying to build my credit  15 again.  16 Q. When was your credit score 780?  17 A. I think when I get the credit.  18 I don't remember when was that.  19 Q. Approximately, when? Was it  20 2016? Was it 2018?  21 A. To tell you the truth, I don't  22 have a specific years, a specific day it  23 was that. But you asked me the highest  24 score my credit been, I tell you the  25 highest score my credit was and then after</p>	<p style="text-align: right;">Page 169</p> <p>1 F. FRANCOIS  2 credit to tell you exactly the lower it was  3 after that.  4 MR. GOODMAN: Okay. Can we put  5 letter D up? It's marked as D, we  6 can make it Exhibit B to keep it  7 sequential.  8 That would be Plaintiff's  9 Experian Report 6/11/21, Exhibit D on  10 the e-mail, if you could share that  11 on the screen, please.  12 (Whereupon, the aforementioned  13 document was marked as Defendant's  14 Exhibit B for identification as of  15 this date by the Reporter.)  16 (Screen sharing.)  17 MR. GOODMAN: Before I ask you  18 questions about this, I just want to  19 state for the record that we call for  20 the production of any documents,  21 documentation concerning the  22 Plaintiff's credit score prior to  23 5/30/2020 and, most specifically, a  24 credit score of 780.  25 BY MR. GOODMAN:</p>

<p style="text-align: right;">Page 170</p> <p>1 F. FRANCOIS  2 Q. Can you see it on the screen,  3 Ms. Francois?  4 A. Yeah, I see it and I see the  5 date was June 11, 2021.  6 Q. Correct.  7 A. After that.  8 Q. Yes. Do you know what this is  9 generally? You can look through all the  10 pages if you want. What is it?  11 A. This is my credit score.  12 Q. Take your time, if you need to  13 take your time.  14 A. This is showing the credit  15 score.  16 Q. Okay. And what is your credit  17 score on this document?  18 A. On this document, it shows 492  19 from June 11, 2021.  20 Q. This was produced by your  21 attorneys. How did you come to have this  22 credit report dated in June of 2021?  23 A. I don't get the question.  24 Q. The question is: Did you ask  25 for this? Did you personally request this</p>	<p style="text-align: right;">Page 172</p> <p>1 F. FRANCOIS  2 MR. GOODMAN: Yeah,  3 Ms. Francois, okay.  4 MR. KESHAVARZ: What's your  5 next question?  6 BY MR. GOODMAN:  7 Q. Did you see anything -- and you  8 can look through it now if you want, there  9 are 23 pages here -- did you find anything  10 in this report that you identified as being  11 something that Emmanuel Laforest did with  12 your identity that caused your credit to go  13 down?  14 A. Just give me one second. I'm  15 just going to get my glasses.  16 (Brief pause.)  17 MR. KESHAVARZ: Objection,  18 form, but then I'll ask the Court  19 Reporter to go page by page for all  20 23 pages. Just let us know when  21 you're done reading each page.  22 (Brief pause.)  23 A. Okay, I see the credit score,  24 giving you the credit score, yes.  25 Q. Well, the question was: Was</p>
<p style="text-align: right;">Page 171</p> <p>1 F. FRANCOIS  2 credit report?  3 A. Yeah, I was request for it to  4 see everything that happened on my account.  5 Like I said before, I don't know how he did  6 all that he did on my account. Which is  7 like the police was asking me to get my  8 credit report and then they can see all  9 that he did on my account.  10 Q. Okay. And is this something  11 your attorneys asked you to do?  12 MR. KESHAVARZ: Wait a minute,  13 don't answer that question. That's  14 clearly attorney-client  15 communication. Don't answer that  16 question.  17 MR. GOODMAN: No, it's not, but  18 okay.  19 MR. KESHAVARZ: Did your  20 attorneys ask you to do that? I  21 don't know how much more of an  22 attorney-client privilege that is.  23 So, don't answer that question.  24 What's the next question?  25 THE WITNESS: Yeah.</p>	<p style="text-align: right;">Page 173</p> <p>1 F. FRANCOIS  2 there anything in this report that you  3 attributed to or you identified as  4 something that Emmanuel Laforest did with  5 your identity that caused this report to be  6 what it is?  7 MR. KESHAVARZ: Objection.  8 Q. Your attorney wanted you to go  9 through each page one by one.  10 MR. KESHAVARZ: Objection,  11 form. Are you asking her to go  12 through the document and ask her  13 what's in it? Is that what you're  14 asking?  15 MR. GOODMAN: No, you said you  16 wanted the Court Reporter to go  17 through every page. I'm not saying  18 that.  19 MR. KESHAVARZ: What's the  20 question on the table, Madame Court  21 Reporter? Can you repeat it, please.  22 (Whereupon, the referred to  23 question was read back by the  24 Reporter.)  25 MR. KESHAVARZ: Objection to</p>

<p style="text-align: right;">Page 174</p> <p>1 F. FRANCOIS 2 the form of the question. 3 We're looking at one page on 4 the front of the screen. You may 5 answer, if you know. 6 MR. GOODMAN: Well, and you 7 previously, Ahmad, asked the Court 8 Reporter to go page by page through 9 all 23 pages. If that's what your 10 problem is, let us do that. That's 11 fine with me. If the Witness needs 12 to go through it, that's appropriate. 13 (Brief pause.) 14 BY MR. GOODMAN: 15 Q. Can you answer the question, 16 Ms. Francois? 17 A. Like I said, I just see my 18 credit. The credit is in my name and it's 19 492, Experian, date June 11, 2021. And 20 then give you bill, 11,760; 6,055 and then 21 give you 17,815. That's all I see in front 22 of me. 23 Q. Well, there are 23 pages there, 24 if you need to look at them to answer my 25 question. And my question again is: You</p>	<p style="text-align: right;">Page 176</p> <p>1 F. FRANCOIS 2 be what it is? 3 MR. KESHAVARZ: Objection to 4 the form of the question. Go ahead. 5 A. Yes. 6 Q. What is it? Show us. 7 A. It's not up on that, but if you 8 can go through the one that's in 2020, it 9 can show you everything that he did. You 10 can see everything in my credit score. You 11 would see the loan and every time that it 12 go down and then they say for late pay, 13 late pay, late pay. You can see 14 everything. 15 MR. GOODMAN: Okay. I will 16 call for the production of the credit 17 report from May of 2020 or prior to 18 May 30th of 2020 that the Witness is 19 now referring to that she says will 20 show us everything about what her 21 credit score was and how it came 22 down. I call for that production. 23 Q. Okay, do you see that red 24 circle there with 990 percent? 25 MR. KESHAVARZ: One second,</p>
<p style="text-align: right;">Page 175</p> <p>1 F. FRANCOIS 2 previously testified that you wanted to 3 pull your credit report so you could find 4 out anything that Emmanuel Laforest did to 5 harm your credit. 6 A. Yeah, that's what the detective 7 was asking me. 8 Q. Right. So, do you see now, if 9 you want to look at it now, or did you find 10 then any evidence of anything Emmanuel 11 Laforest did with your identity that might 12 have resulted in this credit score being 13 what it is? 14 MR. KESHAVARZ: Objection to 15 form. 16 A. This is the day after. This is 17 June 11, 2020. That happened, the thing 18 that Emmanuel did and the dealer did on my 19 credit was in 2020. So, this one is 2021. 20 MR. GOODMAN: Move to strike 21 the nonresponsive portion. 22 Q. Again, I'm asking you, it's not 23 a hard question, is there anything in this 24 report that you attribute to Emmanuel 25 Laforest that caused this credit report to</p>	<p style="text-align: right;">Page 177</p> <p>1 F. FRANCOIS 2 there is someone at my door. You can 3 stay on the record, just give me one 4 second. 5 (Brief pause.) 6 MR. KESHAVARZ: Sorry, go 7 ahead. 8 Q. Ms. Francois, do you see that 9 figure in the middle that says 990 percent 10 inside the red and orange circle? 11 A. Yes. 12 Q. Do you know what that means? 13 A. They saying 990 percent they 14 say overall credit use. 15 Q. Correct. Do you understand 16 what that means? 17 MR. KESHAVARZ: Objection to 18 form. 19 Q. You can answer. 20 A. Not really. 990 percent? No, 21 not really. I don't understand what that 22 means. 23 MR. GOODMAN: Okay. Let's turn 24 to the third page of this report and 25 it should say Francois 95 on the</p>

<p style="text-align: right;">Page 178</p> <p>1 F. FRANCOIS  2 bottom.  3 (Reporter complies.)  4 Q. Now, do you see up at the top  5 that this says -- I don't know if I'm  6 pronouncing it right -- Comenity  7 Bank/Victoria? Do you see that on the  8 upper left?  9 A. Yeah, I see it.  10 Q. So, it says you had a charge  11 card with this bank; is that correct?  12 A. Yeah, I see it shows.  13 Q. Okay. And it shows if you look  14 down at the bottom with the green dots and  15 the red numbers, do you see that?  16 A. Uh-huh.  17 Q. It says, for example, in  18 April 2020 there is a 30, a red number 30  19 there, do you see that?  20 A. Uh-huh.  21 Q. Do you understand what that  22 means?  23 A. It says 30.  24 Q. Does it mean you were 30 days  25 late in your payment?</p>	<p style="text-align: right;">Page 180</p> <p>1 F. FRANCOIS  2 computer just stopped -- which is 2020  3 you're going to see a lot like 60 days,  4 90 days, that I didn't want to do nothing  5 in my account. Like for September you're  6 going to see 90 days. Yeah, 90 days, yeah.  7 Q. How about May of 2021?  8 A. I'm talking about 2020. 90  9 days in September 2020, did you see that  10 too?  11 Q. Yeah, I see that, it's 90.  12 A. Oh, so okay.  13 Q. Do you understand that late  14 payments, these 30, 60, 90 days late  15 payments affect your credit score?  16 A. This is not from Victoria  17 Secret.  18 Q. I don't know what this is. It  19 says Comenity Bank.  20 A. Okay. That's why I say to see  21 the date, see the year, it was 2020. It  22 was in September 2020, which is like three  23 months. 90 days mean three months that  24 never got any paid.  25 Q. Right, exactly. My question</p>
<p style="text-align: right;">Page 179</p> <p>1 F. FRANCOIS  2 A. Yeah, that was my Victoria  3 Secret, when I lost it and I stopped paying  4 them, yeah, and it went to credit.  5 Q. I'm sorry, I didn't get that.  6 What was your answer?  7 A. I said that's my Victoria  8 credit, when I stopped using them and I  9 tell them to get me refund, because I  10 didn't like what they told me about  11 (inaudible) --  12 THE COURT REPORTER: I'm sorry,  13 please repeat yourself.  14 A. That's the Victoria Secret.  15 That's 30 days late which is that I did not  16 pay them. And then they was calling me. I  17 said they did because they have like they  18 have to take the money directly and the  19 lady was telling me that they was trying  20 and they couldn't get it and then after  21 that I paid it.  22 Q. Okay. So, you see that as of  23 September you were 90 days late on that --  24 A. You can see all that. You can  25 see all that since 2020 which is -- my</p>	<p style="text-align: right;">Page 181</p> <p>1 F. FRANCOIS  2 is: Do you understand that not paying for  3 90 days will affect your credit score?  4 MR. KESHAVARZ: Objection,  5 form.  6 A. (No response.)  7 Q. Yes or no?  8 A. Yes, I understand, but I have  9 nothing to do with that. Which is like  10 fraud happen in your account, so before you  11 do anything you have to know what's going  12 on with your account. So, that's the  13 reason the detective tell me to get all the  14 report, don't do nothing in your account,  15 get all your report and then tell them to  16 send you all the credit report.  17 Q. So, this says that in July of  18 2020 you were 30 days delinquent, in August  19 of 2020 you were 60 days delinquent. Is it  20 your testimony that you were already aware  21 of what Emmanuel Laforest did as of that  22 date?  23 A. No, no, I did not aware. I  24 told you, like I said before, I went about  25 September. If I have known what he did, I</p>

<p>1 F. FRANCOIS  2 would contact Capital One early. You see  3 the date that Capital One which is with me,  4 which is the date that I put all the paper,  5 which is in September, which is the date  6 that I find out everything that happened.  7 Before, I didn't know anything about that.  8 Q. But as of September, on this  9 card you were already 90 days late,  10 correct?  11 MR. KESHAVARZ: Objection to  12 form.  13 Q. Yes or no?  14 A. Yes.  15 Q. And you didn't know about what  16 Emmanuel Laforest did until September,  17 right?  18 A. Yeah, I didn't know anything  19 that he did. Like I said to you, I was not  20 about my credit checking everything. Like  21 I didn't want to go through my credit,  22 which is I have to leave my credit, just  23 I'm trying to save money to build my  24 credit. I didn't know what was happening  25 in my credit because I was not checking my</p>	<p>Page 182</p> <p>1 F. FRANCOIS  2 MR. KESHAVARZ: It's small.  3 I'm on my iPad.  4 MR. GOODMAN: Okay.  5 BY MR. GOODMAN:  6 Q. Ms. Francois, do you see what's  7 on the screen now?  8 A. Uh-huh.  9 Q. You have to say yes.  10 A. Yes.  11 Q. Do you see on the upper left  12 corner, this is a TD Bank N.A., and if you  13 go down to account type it's an unsecured  14 loan. Do you see that?  15 A. Yeah.  16 Q. So, you had an unsecured loan,  17 original amount was 10,000 from TD Bank,  18 correct?  19 A. Yeah, from my job, yes.  20 Q. Do you see in 2021, February  21 and March, you were 30 days late for those  22 two payments?  23 MR. KESHAVARZ: Objection to  24 form.  25 A. Yeah, I see it.</p>
<p>1 F. FRANCOIS  2 credit every second, every time.  3 Q. You were checking your credit  4 every second, every time or you were not?  5 A. No, I was not checking my  6 credit every second, every time. If I  7 check that, I would know that since the day  8 that he did that.  9 MR. GOODMAN: Move to strike.  10 Go to two pages down, Francois  11 97.  12 MR. SELVEY: If it helps, I can  13 take over the screen sharing there,  14 if that would be easier so you can  15 transcribe and not have to switch  16 between those two things.  17 THE COURT REPORTER: Yes,  18 please. I'd appreciate that.  19 MR. SELVEY: 97 you asked for?  20 MR. GOODMAN: Yes.  21 (Brief pause.)  22 MR. SELVEY: 97, does everybody  23 see that?  24 MR. GOODMAN: Yes, I see it.  25 Do you see it, Ahmad?</p>	<p>Page 183</p> <p>1 F. FRANCOIS  2 Q. And you understand that those  3 late payments can affect your credit score?  4 MR. KESHAVARZ: Objection to  5 form.  6 Q. You can answer.  7 A. Yeah.  8 MR. GOODMAN: Let's go to  9 Francois 99.  10 A. But did you verify the ones  11 that I paid too, for 2020 and 2021? Did  12 you verify that also?  13 Q. You're not here to ask  14 questions, just answer please. Okay, so  15 we're on Francois 99 and if you look at  16 this one it says a Amex in the upper left.  17 Do you see that? There is an Amex credit  18 card, do you see that?  19 A. I see it.  20 Q. Do you see starting in  21 October 2020 all the way into February of  22 2021 you got to the point of being 120  23 late?  24 MR. KESHAVARZ: Objection to  25 form.</p>

<p>1 F. FRANCOIS</p> <p>2 A. Okay.</p> <p>3 Q. Do you see that?</p> <p>4 A. Yeah, because he didn't want to</p> <p>5 pay for that because I didn't know if it</p> <p>6 was Emmanuel who is using it and he denied</p> <p>7 it. I said if it was not him using it,</p> <p>8 when I asked his family, which he never</p> <p>9 said that it was him because I didn't have</p> <p>10 any proof, because I went to -- I call</p> <p>11 American Express and say there is a lot of</p> <p>12 things doing in the account and I said it</p> <p>13 was not me, I'm not going to pay for that.</p> <p>14 Q. Are you saying that it was</p> <p>15 Emmanuel Laforest that was --</p> <p>16 A. I did not say it because I</p> <p>17 didn't have any proof. If you do not have</p> <p>18 proof you cannot say that someone did</p> <p>19 something. I didn't have proof and I asked</p> <p>20 my father-in-law to ask him. He said he</p> <p>21 never used my credit card, which is he</p> <p>22 never got my credit card and he never used</p> <p>23 my credit card. This was after fighting,</p> <p>24 fighting, fighting, we moved all those</p> <p>25 credit, it wasn't me doing that. That's</p>	Page 186	<p>1 F. FRANCOIS</p> <p>2 and they were doing investigation and after</p> <p>3 that they tried to remove certain things</p> <p>4 and then it go back to normal.</p> <p>5 Q. What was the last part of that?</p> <p>6 "He go back to no more?"</p> <p>7 A. Normal. You can see in March</p> <p>8 everything is green, in April everything is</p> <p>9 green.</p> <p>10 Q. Yeah, in May of 2021 it was</p> <p>11 30 days late and then they closed the</p> <p>12 account, right?</p> <p>13 MR. KESHAVARZ: Objection,</p> <p>14 form.</p> <p>15 A. Yeah, I request them to close</p> <p>16 the account. I was request them to close</p> <p>17 the account.</p> <p>18 Q. And you did that because why?</p> <p>19 A. Because, like I said, I was</p> <p>20 trying to save. I didn't want to use all</p> <p>21 that credit card. I was trying to close</p> <p>22 some of credit card. I say I have to close</p> <p>23 it because I don't really use it.</p> <p>24 Q. But you understand that going</p> <p>25 120 days late can affect your credit score,</p>	Page 188
<p>1 F. FRANCOIS</p> <p>2 why you can see after February, March, the</p> <p>3 account become good because then we know it</p> <p>4 was not me.</p> <p>5 Q. Okay, but you got the</p> <p>6 statements for this account, did you not?</p> <p>7 A. That was in my old, my old</p> <p>8 phone. This account is closed. I don't</p> <p>9 use this account.</p> <p>10 Q. No, but before the account was</p> <p>11 closed, you could see what the charges were</p> <p>12 that were causing the amounts due, correct?</p> <p>13 MR. KESHAVARZ: Objection,</p> <p>14 form.</p> <p>15 A. I don't know. I don't remember</p> <p>16 if I receive it or not.</p> <p>17 Q. I'm sorry. Did you see any</p> <p>18 charges that you didn't make on that card?</p> <p>19 MR. KESHAVARZ: Objection,</p> <p>20 form.</p> <p>21 A. When they calling me, I was on</p> <p>22 the phone with customer service and telling</p> <p>23 me that you're really late. I said there</p> <p>24 is a lot of things you have that it's not</p> <p>25 me and I want you guys to go over all that</p>	Page 187	<p>1 F. FRANCOIS</p> <p>2 correct?</p> <p>3 MR. KESHAVARZ: Objection,</p> <p>4 form.</p> <p>5 A. I don't know.</p> <p>6 Q. Pardon?</p> <p>7 A. I don't know.</p> <p>8 Q. You don't know, okay.</p> <p>9 A. Uh-huh.</p> <p>10 MR. GOODMAN: Let's go to</p> <p>11 Francois 101.</p> <p>12 (Mr. Selvey complies.)</p> <p>13 Q. Same question: This is a Bank</p> <p>14 of America credit card, correct?</p> <p>15 A. (No response.)</p> <p>16 Q. You had a Bank of America</p> <p>17 credit card from 2016, starting in 2016?</p> <p>18 A. I had it and I close it in</p> <p>19 March, which is that the customer service</p> <p>20 she did not close it, which they have been</p> <p>21 charging. I went to Capital One telling</p> <p>22 them that I been closing this account since</p> <p>23 March, why I got those thing? And then</p> <p>24 which is they saying she never closed it,</p> <p>25 she never closed the account. Which is</p>	Page 189

<p>1 F. FRANCOIS  2 after that, when I went in May, they closed  3 it after that. You can see June, July,  4 August, they close it because I closed that  5 with the customer service and which is she  6 never close it.  7 Q. Why did you close this account?  8 A. Because, like I said, I didn't  9 need to use credit cards. Which is I can  10 use my debit card and just go buy something  11 and just pay cash.  12 MR. GOODMAN: Let's go to  13 Francois 103.  14 (Mr. Selvey complies.)  15 MR. GOODMAN: No, let's skip  16 that one. Let's keep moving.  17 Q. These accounts, the one that we  18 just looked at -- let me go back there.  19 I'm sorry, I apologize.  20 That was the Bank of America  21 that you closed, you said you closed in May  22 of 2021, right? Correct?  23 A. Uh-huh. Yes.  24 Q. Did you pay off the balance  25 when you closed the card?</p>	<p>Page 190</p> <p>1 F. FRANCOIS  2 like a scam. It wasn't me and then they  3 drop it down and I pay what I have to pay  4 and the account end up closed.  5 Q. How much did you have to pay?  6 A. I don't remember how much it  7 was.  8 MR. GOODMAN: Let's go to  9 Francois 112.  10 (Mr. Selvey complies.)  11 Q. Do you see this page in front  12 of you? Do you see down, halfway down it  13 says "What's hurting," do you see that?  14 A. Yeah. "You have a serious  15 delinquency, 60 days past due or greater,"  16 yeah.  17 Q. It also says, "Number of  18 accounts that were ever 60 days late or  19 worse or have" --  20 A. The accounts that you just  21 reviewed with me.  22 Q. Right. It says, "Virtually no  23 FICO High Achievers have a 60 days late  24 payment or worse listed on their credit  25 report." Do you see that?</p>
<p>1 F. FRANCOIS  2 A. Of course you have to pay all  3 your balance because if you don't pay that  4 it's going to go to, um --  5 Q. Collections?  6 A. Yes.  7 Q. Amex, you paid off the balance  8 due?  9 A. Yeah, I paid everything.  10 Q. So, if these company report it  11 as a charge off, that would be incorrect  12 because you actually paid it?  13 A. Yeah.  14 Q. Okay. Just to look at that  15 American Express, Francois 99, you had a  16 balance of \$6,210. So, your testimony is  17 you paid \$6,210 to close that account?  18 A. After they remove, like I say  19 to you, after they removed the one that it  20 said was in May, it drop down. It was not  21 6,000 something, it drop down because after  22 they removed like -- they find out, like I  23 was saying, they were doing investigation  24 and see that it was not me, all of that was  25 online, because people would order online,</p>	<p>Page 191</p> <p>1 F. FRANCOIS  2 A. Yeah. This is the account,  3 like I said, you just reviewed with me.  4 Q. Yes. And then, if you go down,  5 it says "High credit usage" and it says  6 "You've made heavy use of your available  7 revolving credit." Do you see that?  8 A. Where do you see that?  9 Q. Down at the bottom, it says  10 "High credit usage."  11 A. Yeah.  12 Q. It says, "Ratio of your  13 revolving balances to your credit." I  14 can't read the rest of that underneath  15 "Francois."  16 Then, if you go to the next  17 page, it lists various reasons that went in  18 to causing your credit score to be 492. Do  19 you see all that?  20 A. But did you go to the before,  21 how much it was and all it drop it down  22 like that? No.  23 Q. I don't answer questions, I ask  24 questions.  25 MR. KESHAVARZ: But if the</p>

<p>1 F. FRANCOIS  2 document says what it says, what's  3 your question other than being --  4 MR. GOODMAN: I asked her if  5 she read all that and did she  6 understand all that.  7 A. I say you show it to me and I  8 read that.  9 Q. Okay. So, do you understand  10 that nothing in these two pages of  11 explanations for your credit score have  12 anything to do with what Emmanuel Laforest  13 did, the loan on the car from Capital One?  14 A. Yeah, it did have something to  15 do that.  16 Q. What did --  17 A. That's why I say to go to 2020  18 and you can see, but you keep staying in  19 2021 but you never go to 2020, before what  20 he did. It was everything, but you never  21 go to that.  22 Q. Why don't you or your attorney  23 show us something from 2020 to establish  24 that, if you think that's the case?  25 MR. KESHAVARZ: If you have a</p>	<p>Page 194</p> <p>1 F. FRANCOIS  2 Q. Okay. I would certainly say  3 that if that loan was rescinded and Capital  4 One took it off your credit report and it  5 came to nothing at all and amounted to  6 nothing in terms of your credit, I would  7 say it had zero affect on your credit  8 score.  9 MR. KESHAVARZ: Objection. All  10 right, so what's the question?  11 Q. That's what I would say in  12 response to the question that you asked me.  13 MR. KESHAVARZ: Okay, so what's  14 the next question?  15 MR. GOODMAN: Okay, let's go to  16 the one that I want to go to, the  17 TransUnion.  18 (Screen sharing stopped.)  19 MR. GOODMAN: That would be  20 Exhibit H, which we can now make  21 whatever the next one is,  22 Ms. Reporter.  23 THE COURT REPORTER: We're up  24 to Exhibit C, as in Charles.  25 MR. GOODMAN: Thank you.</p>
<p>1 F. FRANCOIS  2 question, ask the question.  3 MR. GOODMAN: That is a  4 question.  5 Q. Why don't you or your attorneys  6 provide us with the documentation to show  7 what you claim it will show? Why don't you  8 do that?  9 MR. KESHAVARZ: The documents  10 say what they say. What's your  11 question as to my client?  12 MR. GOODMAN: I just asked her  13 why doesn't she produce it.  14 A. Since you say you cannot answer  15 questions, I would like to ask you if you  16 got a loan for \$29,000 in your account and  17 let's say your credit score was 600 and you  18 never paid for six months, what's going to  19 happen to your credit score? It's going to  20 drop down, correct?  21 Q. I really don't want to get  22 into a back-and-forth with you, but I will  23 tell you --  24 A. So, let's get into 2020 because  25 we're talking about what happened in 2020.</p>	<p>Page 195</p> <p>1 F. FRANCOIS  2 (Whereupon, the aforementioned  3 document was marked as Defendant's  4 Exhibit C for identification as of  5 this date by the Reporter.)  6 (Screen sharing.)  7 BY MR. GOODMAN:  8 Q. Ms. Francois, do you see what's  9 on the screen right now?  10 A. Yes, I see the last phone, my  11 Social and 2022, May 2022.  12 Q. Do you see down at the bottom  13 it says, "AKA Francois FA Jean," and then  14 the last one says, "Jean F. Farah?"  15 A. Yeah.  16 Q. Do you see that?  17 A. Yeah.  18 Q. Did you ever go by Jean F.  19 Farah?  20 A. No, my name is Farah Jean  21 Francois.  22 Q. Okay. Is everything else  23 accurate on that page, as far as you know?  24 A. Yeah, my name and Social, yeah.  25 Q. Did you cause this credit</p>

<p>1 F. FRANCOIS 2 report to be generated? 3 MR. KESHAVARZ: Objection to 4 form. 5 A. I don't understand. 6 Q. How did you come about to have 7 this credit report? 8 MR. KESHAVARZ: Objection to 9 form. 10 A. (No response.) 11 Q. Where did it come from? Did 12 you order it yourself? Did somebody else 13 order it? 14 MR. KESHAVARZ: Objection to 15 form. Go ahead. 16 A. (No response.) 17 Q. You can answer. 18 A. I don't know. I don't 19 understand what you're asking me. 20 Q. I'm asking you how did you come 21 about receiving this credit report? 22 MR. KESHAVARZ: Objection to 23 form. Go ahead. 24 A. I don't know. 25 Q. Well, I mean, do you remember</p>	Page 198	<p>1 F. FRANCOIS 2 Q. So, is that the same American 3 Express card that we -- 4 A. I don't know, that's why I'm 5 asking you. I don't know. I don't have no 6 idea about what you're showing me. This is 7 2022, I have no idea about that. 8 MR. GOODMAN: Can we go to 9 Francois 316. 10 (Mr. Selvey complies.) 11 Q. Do you have a credit card or 12 credit account with Century 21 Department 13 Stores? 14 A. That was Century. That was Old 15 Navy. I don't remember that. 16 MR. KESHAVARZ: The screen I 17 see says "Francois 316." Is that 18 what you meant? 19 MR. GOODMAN: Yes. On the 20 bottom it says "Century 21 Department 21 Stores" and it has an address in 22 Columbus, Ohio. The next page, 317, 23 shows it was closed in 2020. 24 A. Which is paid. You see it 25 says, "Paid, Closed; was Paid as agreed."</p>	Page 200
<p>1 F. FRANCOIS 2 ordering a credit report for yourself? 3 MR. KESHAVARZ: Objection to 4 form. Go ahead. 5 A. I don't remember. 6 MR. GOODMAN: All right, let's 7 go to Francois 309. 8 (Mr. Selvey complies.) 9 Q. You see that it says, "Amex 10 Department Stores?" Do you see what that 11 is? Did you have a credit card with Amex 12 Department Stores? 13 A. No, I don't have any credit 14 card no more. 15 Q. Well, it's what it says there 16 on the page. You can see it for yourself. 17 Is it accurate or inaccurate? 18 MR. KESHAVARZ: Objection to 19 form. 20 A. (No response.) 21 Q. Do you see that? Do you 22 remember having that credit card that's 23 reported there? 24 A. That's the American Express we 25 were talking about which is closed.</p>	Page 199	<p>1 F. FRANCOIS 2 Q. Was what? 3 A. I'm just reading what they say, 4 that the account was paid and then closed 5 as agreed. 6 Q. Yeah, "Payment Received \$0." 7 "Paid, Closed; was Paid as agreed." Okay. 8 Next page, 318, Macy's. Do you 9 have a Macy's credit card? 10 A. Yeah. Like I said before, I 11 said it to you, I had a Macy's credit card 12 which is I called them and we talked about 13 a lot of things and then closed it. The 14 card closed since long. This Macy's card 15 closed long time. 16 Q. Why did you close the Macy's 17 card? 18 A. Because I don't need the credit 19 card. Like I say to you, I don't need to 20 use credit card because I was trying to 21 build and save my money to buy my house. 22 Q. Okay. Page 320, you had an Old 23 Navy account, a credit card for Old Navy. 24 You closed that one also, correct? 25 A. Yes.</p>	Page 201

<p style="text-align: right;">Page 202</p> <p>1 F. FRANCOIS  2 Q. And then you had, on Page 322,  3 Francois 322, you had "SYNCB/PPC," do you  4 know what that means?  5 A. What is that?  6 Q. 322. Do you see where it says  7 "SYNC?" It's a revolving credit account,  8 credit card.  9 A. Which credit card is that?  10 Q. I don't know. I'm asking you  11 if you recognize it.  12 A. Because I don't remember that.  13 I don't remember that.  14 Q. Okay. There's TD Bank. You  15 had a credit card with TD Bank also?  16 A. Yes.  17 Q. By the way, I think that SYNC,  18 that's PayPal. Do you have a PayPal  19 account?  20 A. Yeah, I have my PayPal. I'm  21 still using my PayPal.  22 Q. Is there anything in this  23 report that you can see that indicates that  24 what the loan that was taken out with  25 Capital One for the BMW had an affect on</p>	<p style="text-align: right;">Page 204</p> <p>1 F. FRANCOIS  2 (Back on the record at  3 4:21 P.M.)  4 MR. GOODMAN: Right now I think  5 it may not have been marked. It's  6 what's called Exhibit E on the  7 e-mail, the Penfed Credit Union  8 adverse notice. And we're not going  9 to use the Equifax Report that I had  10 previously marked as the next one.  11 If you can un-mark it, fine. If not,  12 then we'll just go to the next  13 letter.  14 THE COURT REPORTER: Yes, let's  15 just go to the next letter for ease  16 of the transcript.  17 MR. GOODMAN: Okay, that's  18 fine.  19 MR. KESHAVARZ: You're saying  20 you're not suing the Equifax Report  21 of 5/12/2022?  22 MR. GOODMAN: That is what I  23 said.  24 MR. KESHAVARZ: Okay.  25 MR. GOODMAN: Okay, so we can</p>
<p style="text-align: right;">Page 203</p> <p>1 F. FRANCOIS  2 your credit score?  3 MR. KESHAVARZ: Objection to  4 form.  5 A. I don't know.  6 MR. GOODMAN: All right, we're  7 almost done here.  8 Let's look at the Equifax  9 Report and that would be Exhibit F on  10 the e-mail, which will now be marked  11 as Exhibit D.  12 (Whereupon, the aforementioned  13 document was marked as Defendant's  14 Exhibit D for identification as of  15 this date by the Reporter.)  16 MR. GOODMAN: Give me five  17 minutes or at least three or  18 four minutes. I have to do  19 something.  20 MR. KESHAVARZ: All right.  21 Just come back on the screen when  22 you're ready.  23 (Screen sharing stopped.)  24 (Whereupon, at 4:13 P.M., a  25 short recess was taken.)</p>	<p style="text-align: right;">Page 205</p> <p>1 F. FRANCOIS  2 mark this one that's on the screen  3 now as Exhibit E.  4 (Whereupon, the aforementioned  5 document was marked as Defendant's  6 Exhibit E for identification as of  7 this date by the Reporter.)  8 (Screen sharing.)  9 BY MR. GOODMAN:  10 Q. Ms. Francois, do you see what's  11 on the screen right now marked --  12 A. No, if you can make it a little  13 bigger because I am not able to see it.  14 (Mr. Selve complies.)  15 Q. Is that better? Can you see it  16 better now?  17 A. Yes.  18 Q. Take a look at it and when  19 you're done let us know.  20 (Whereupon, the Witness peruses  21 the document.)  22 A. Yeah.  23 Q. Okay. So, did there come a  24 time that you made a request for a loan in  25 the amount of \$42,596 in 2022 from Penfed?</p>

<p>1 F. FRANCOIS</p> <p>2 A. Penfed?</p> <p>3 Q. Yes.</p> <p>4 A. No, I don't remember that. I</p> <p>5 don't remember that. What is Penfed?</p> <p>6 Q. If you look up at the top, it</p> <p>7 says Penfed Credit Union and this is an</p> <p>8 Adverse Action Form addressed to you. Your</p> <p>9 attorneys took out your address and other</p> <p>10 information. Do you see that?</p> <p>11 A. Yeah, I see it, but what is</p> <p>12 that?</p> <p>13 Q. Well, I'm asking you.</p> <p>14 A. I'm asking you because you</p> <p>15 bring it to me, because I don't know, so</p> <p>16 that's why I'm asking you.</p> <p>17 Q. Well, you're the deposition</p> <p>18 witness, so I'm asking you whether you</p> <p>19 applied for a loan in the amount of</p> <p>20 \$42,596?</p> <p>21 A. I don't know because I don't</p> <p>22 know what is that. So, I'm just aware. I</p> <p>23 don't know about that, that's why I'm</p> <p>24 asking you to give me more information and</p> <p>25 to remind me because I don't know what is</p>	Page 206	<p>1 F. FRANCOIS</p> <p>2 car? This is a car loan. You were looking</p> <p>3 for a car loan, correct?</p> <p>4 A. Yes, I went to give them my car</p> <p>5 and then to do exchange with car.</p> <p>6 Q. And they denied your credit,</p> <p>7 correct?</p> <p>8 A. Yeah, they denied because my</p> <p>9 credit here was too low.</p> <p>10 Q. Okay. And do you see on there</p> <p>11 it indicates your credit score, it says</p> <p>12 "584?"</p> <p>13 A. Yeah, which is like I said to</p> <p>14 you, after I closed all my credit card I</p> <p>15 tried to work on my credit to get my credit</p> <p>16 coming up.</p> <p>17 Q. And do you see that it says --</p> <p>18 I'm going to read from it -- "Key factors</p> <p>19 that adversely affect your credit score:"</p> <p>20 Do you see that?</p> <p>21 A. Yeah, I see. Yes, I see it.</p> <p>22 Q. And the first one is, "Time</p> <p>23 since delinquency is too recent or</p> <p>24 unknown." Do you see that?</p> <p>25 A. Yes.</p>	Page 208
<p>1 F. FRANCOIS</p> <p>2 that.</p> <p>3 Q. Well, take a look at what's on</p> <p>4 the screen and see if that's refreshes your</p> <p>5 recollection.</p> <p>6 A. I don't know. That doesn't</p> <p>7 refresh my recollection.</p> <p>8 Q. You don't know, okay.</p> <p>9 A. Yeah.</p> <p>10 Q. So, if you claimed in this</p> <p>11 case, according to the legal documents,</p> <p>12 that one of your damages is that you were</p> <p>13 denied credit because of what you claim the</p> <p>14 Defendant --</p> <p>15 A. Can you go down so I can see</p> <p>16 all that and I can read what is about that?</p> <p>17 (Mr. Selvey complies.)</p> <p>18 (Whereupon, the Witness peruses</p> <p>19 the document.)</p> <p>20 A. Isn't this about the car?</p> <p>21 Q. Apparently. That's why I'm</p> <p>22 asking you. Why did you seek this loan?</p> <p>23 It does reference "Auto Gallery Imports."</p> <p>24 A. That's a car. That's a car.</p> <p>25 Q. So, you were trying to buy a</p>	Page 207	<p>1 F. FRANCOIS</p> <p>2 Q. Okay. "Length of time accounts</p> <p>3 have been established." Do you see that?</p> <p>4 A. Yeah, I see it.</p> <p>5 Q. Do you need a minute?</p> <p>6 A. No, I'm just putting my chair.</p> <p>7 I'm okay. I'm okay.</p> <p>8 Q. Do you see "Number of accounts</p> <p>9 with delinquency?"</p> <p>10 A. Yeah, I see it.</p> <p>11 Q. And do you see "Serious</p> <p>12 delinquency?"</p> <p>13 A. Yeah.</p> <p>14 Q. Do you see "Number of</p> <p>15 inquiries, 'INQ,' adversely affected the</p> <p>16 score. Impact not significant." Do you</p> <p>17 see that?</p> <p>18 A. Yeah, I see.</p> <p>19 Q. Okay. So, do you understand</p> <p>20 that Penfed told you we cannot extend you</p> <p>21 credit for this car loan because of those</p> <p>22 reasons that are stated there?</p> <p>23 MR. KESHAVARZ: Objection to</p> <p>24 form.</p> <p>25 A. No, I don't understand that. I</p>	Page 209

<p>1 F. FRANCOIS  2 don't understand all that thing they  3 saying, "13, 14, 18, 39." I don't know.  4 Q. You don't understand that?  5 A. Uh-uh.  6 Q. You have to say no.  7 A. No.  8 Q. Is it your claim that the loan  9 that was taken out by Mr. Laforest had  10 anything to do with this rejection of your  11 credit from Penfed for the car loan?  12 A. If you go in 2020, you can see.  13 Q. Again, I would certainly like  14 to see if that could be provided. But in  15 any event, I thought you were trying to  16 save your money for a house and this is a  17 car loan --  18 A. Yeah, because my car, it  19 changed, my car.  20 Q. What do you mean?  21 A. It changed that car. That you  22 give your car, they will tell you, okay,  23 the car, I'm going to buy the car from you  24 for 5,000, for 10,000, which they are going  25 to remove the value of your car and then</p>	Page 210	<p>1 F. FRANCOIS  2 Exhibit F for identification as of  3 this date by the Reporter.)  4 (Mr. Selvey complies.)  5 MR. GOODMAN: Maybe you can  6 blow that up a little bit so  7 Ms. Francois and all of us can see it  8 a little better.  9 (Mr. Selvey complies.)  10 BY MR. GOODMAN:  11 Q. Okay, take a look at that and  12 let us know when you're done.  13 (Whereupon, the Witness peruses  14 the document.)  15 A. Yeah, that's my Mercedes-Benz.  16 That's the first place I went to the car to  17 do the change for that.  18 Q. So, this is another car loan  19 that you sought, that you applied --  20 A. That's the first car loan I  21 went.  22 Q. That's the first one you went?  23 A. Yeah.  24 Q. Okay. Do you see the specific  25 reasons for the action taken on your</p>	Page 212
<p>1 F. FRANCOIS  2 the rest you going to have to end up  3 paying. Because I was about to change my  4 car with them.  5 Q. My question is: Did I  6 misunderstand you when you said you were  7 trying to save for a house not a car?  8 A. Yeah, I was trying for house.  9 It was 2020, after our marriage me and my  10 husband was planning to buy house, but  11 COVID coming and then everything was  12 affected everyone which is what I was  13 saying. Because we were not planning to  14 stay in his family house for two years or  15 for three years.  16 Q. Who owns that house on Farragut  17 Road in Brooklyn? Who is the owner?  18 A. His grandma and his grandpa is  19 the owner of the house.  20 MR. GOODMAN: Could we please  21 pull up what's marked as Exhibit G,  22 which will now be Exhibit F for the  23 deposition.  24 (Whereupon, the aforementioned  25 document was marked as Defendant's</p>	Page 211	<p>1 F. FRANCOIS  2 application?  3 A. Yeah, yeah, they was telling me  4 the same thing because my credit was down.  5 Q. Where it says, "Presence of  6 recent delinquency on file," do you  7 understand that to have anything to do with  8 the Capital One loan and Emmanuel Laforest?  9 MR. KESHAVARZ: Objection to  10 form.  11 A. I don't know.  12 Q. What about "No comparable  13 credit?" Same question.  14 MR. KESHAVARZ: Objection to  15 form.  16 A. I don't know about that, what  17 you're saying.  18 Q. "High loan amount relative to  19 vehicle value," does that have anything to  20 do with Emmanuel Laforest and Capital One?  21 MR. KESHAVARZ: Objection to  22 form.  23 A. No idea about that.  24 Q. No idea.  25 MR. KESHAVARZ: Mr. Goodman, it</p>	Page 213

<p>1 F. FRANCOIS  2 is now 4:32, if you'd like to take my  3 client's deposition beyond 5:00,  4 that's fine, but now would be the  5 time to get the Court Reporter in.  6 If 5:00 comes and the deposition runs  7 out of time, then I'm not bringing my  8 client back. So, now is time to make  9 the call if you want to. Do you want  10 to go past 5:00?  11 MR. GOODMAN: I'll see what I  12 want to do. I hear what you're  13 saying. Let's not take any more of  14 the record with your comments.  15 BY MR. GOODMAN:  16 Q. Ms. Francois, in your Complaint  17 in this case, are you familiar with the  18 Complaint that your attorneys filed for you  19 in this case?  20 A. If I'm familiar with what?  21 Q. The Complaint. The legal  22 document where you started the lawsuit that  23 we're here about today.  24 A. Yeah, I know what it is, yeah.  25 Q. Did you ever read that</p>	<p>Page 214</p> <p>1 F. FRANCOIS  2 Q. When did you stop crying?  3 MR. KESHAVARZ: Objection to  4 form.  5 A. I don't remember when I stopped  6 crying because that was take me a while  7 because me almost losing my job and I was  8 in school, keep dropping school, calling  9 out, I cannot coming to school. It was not  10 easy for me.  11 Q. You said several times almost  12 losing your job, first of all, what job was  13 that?  14 A. TD Bank.  15 Q. How is it that you almost lost  16 your job?  17 A. Like I said early, because they  18 been calling me and then I was customer  19 service worker at the time and then my  20 phone I have to answer. Capital One was  21 calling me and then the dealer's son was  22 texting me, calling me about to send the  23 title and my boss saw me answer phone and  24 then I was with customer in front of me and  25 he said you're going to have to take one</p>
<p>1 F. FRANCOIS  2 Complaint?  3 A. Yeah, because everything that  4 my lawyer did, my lawyer contact me and  5 talk to me about everything my lawyer have  6 to do.  7 MR. GOODMAN: Move to strike  8 the portion that is nonresponsive.  9 Q. Did you actually read the  10 Complaint?  11 A. Yes.  12 Q. You did read the Complaint,  13 okay. And you know that in the Complaint  14 you allege that when you learned about the  15 identity theft, you could not stop crying?  16 A. Yes.  17 Q. Have you stopped crying yet?  18 MR. KESHAVARZ: Objection to  19 form.  20 A. I don't know.  21 Q. You don't know? Are you still  22 crying?  23 A. I'm still not crying, but I'm  24 still trying to figure out what happened to  25 me.</p>	<p>Page 215</p> <p>1 F. FRANCOIS  2 week and we're going to have to request you  3 to stop coming for one week to figure out  4 to what happened to you and to deal with  5 that and then when you feel you're able to  6 coming back to work, you can coming back to  7 work.  8 Q. Nobody ever actually told you  9 you might lose your job over this, correct?  10 In fact, they actually accommodated you to  11 give you the opportunity to deal with it;  12 is that correct?  13 MR. KESHAVARZ: Objection to  14 form.  15 A. That's not what it is. Because  16 if they stop me they will replace me with  17 someone because I could not be able to do  18 my job.  19 Q. Did anybody tell you that, that  20 they might replace you with someone?  21 A. Yeah, because I was crying.  22 Because every time Capital One calling me  23 and if I'm coming back, I went to the  24 bathroom crying and then my assistant was  25 seeing me crying and then my boss was</p>

<p style="text-align: right;">Page 218</p> <p>1 F. FRANCOIS  2 asking her why Farah been crying, you know  3 Farah have a customer, if she not able to  4 do the job, she have to let us know.  5 Q. But you were able to do the  6 job, correct?  7 A. I was not 100 able to do the  8 job because I was more concerned about what  9 Capital One going to do. Because every  10 time they say, okay, they're going to call  11 me back, they will call me back, which that  12 was about that.  13 Q. So, in terms of your crying and  14 going to the bathroom, how much of that had  15 to do with the threats that you thought you  16 were getting from Emmanuel Laforest?  17 A. Can you explain it to me better  18 because I don't get it?  19 MR. KESHAVARZ: Objection.  20 Q. According to you, you received  21 texts from Emmanuel Laforest or maybe other  22 people --  23 A. Uh-huh.  24 Q. -- that basically threatened  25 you, you can't come back to Brooklyn, stuff</p>	<p style="text-align: right;">Page 220</p> <p>1 F. FRANCOIS  2 following up.  3 MR. GOODMAN: All right, so I  4 guess we're going to have to get  5 another reporter then. You didn't  6 mention that.  7 Can you call now, Madame  8 Reporter? How long would it be?  9 THE COURT REPORTER: Yes.  10 (Whereupon, an off-the-record  11 discussion was held.)  12 MR. GOODMAN: Can you read back  13 my last question, whatever the last  14 thing I said was.  15 (Whereupon, the referred to  16 question and answer were read back by  17 the Reporter.)  18 BY MR. GOODMAN:  19 Q. Ms. Francois, wouldn't it be  20 fair to say that the amount of emotional  21 distress you had, the crying, is really  22 caused by Emmanuel Laforest? His threats  23 to you and everything he did, what you  24 learned about him stealing from you,  25 stealing your identity, your mail, that's</p>
<p style="text-align: right;">Page 219</p> <p>1 F. FRANCOIS  2 like that, correct? Am I right about that?  3 A. Yes, correct.  4 Q. Okay. And I would imagine that  5 caused you distress, correct? In fact, you  6 already testified to that?  7 A. Yeah, that make me stress and  8 that make me -- if I go to work, I was  9 always like this, to look on the street, to  10 see if somebody following me to my job, to  11 see where I'm working, if something is  12 going to happen to me.  13 MR. KESHAVARZ: Let me pause  14 you, Mr. Goodman. I'm going to have  15 some redirect. So, when are you  16 going to be done? I'm going to have  17 some questions of my own and that  18 might take --  19 MR. GOODMAN: You didn't  20 mention that before. Thank you for  21 bringing that up, Ahmad. How much do  22 you have about?  23 MR. KESHAVARZ: I doubt I have  24 a lot, but it's already 4:37. I  25 don't want to be precluded from</p>	<p style="text-align: right;">Page 221</p> <p>1 F. FRANCOIS  2 what caused your stress, correct?  3 MR. KESHAVARZ: Objection to  4 form.  5 A. Yes.  6 Q. Thank you. Your Complaint also  7 alleges that you took time off from work.  8 How much? Is that the one week you took  9 off, that your boss at TD Bank said take a  10 week and figure it out? Was there any  11 other time off from work?  12 A. Yeah. Remember I took one week  13 because the week after that happened, I was  14 having customer. I was open a mortgage for  15 the customer and then I did not put the  16 correct information, which is I was not  17 concentrated 100 percent, and the  18 information of the customer did not go  19 correct. And which is my boss call me and  20 tell me that which is why I was telling you  21 to take a week because you're not  22 concentrated enough. I had said that and I  23 said I'm sorry. I went to my office and  24 did it correct and then after that I left  25 and then take one week and then coming back</p>

<p>1 F. FRANCOIS  2 after one week that I take off.  3 Q. Well, the question was: Did  4 you take any other time off of work other  5 than that one week that you just told us  6 about and previously told us about?  7 A. No. If I have to go to police,  8 I just take one day or call out. By the  9 time this happened, I been calling out.  10 Today I can call out, tomorrow I can come  11 in. Tomorrow I been like calling out for  12 days to go to work.  13 MR. GOODMAN: Move to the  14 strike the nonresponsive portion.  15 Q. Ms. Francois --  16 A. It is an answer to the question  17 because I take a day to fix those papers,  18 to go to the police, get those paper and  19 then to print that paper and send it to  20 Capital One. And then they even send me to  21 Capital One to go in person.  22 Q. When was that that they sent  23 you to Capital One in person?  24 A. Because it is after they ask  25 me, they need me to staples the paper. And</p>	<p>Page 222</p> <p>1 F. FRANCOIS  2 at some point in time, you just don't  3 remember when, correct?  4 A. Yeah, they been sending me  5 paper. I received a lot of paper from  6 them. So, I received paper from them. I  7 don't remember of when exactly the date I  8 receive each of those paper.  9 Q. Okay. And those papers  10 actually told you that they took that loan  11 off of your credit report, correct?  12 MR. KESHAVARZ: Objection to  13 form.  14 A. I don't remember.  15 Q. You don't remember that?  16 A. No.  17 Q. So, did you lose any pay or  18 salary from TD Bank for the time that you  19 took off that you claimed had to do with  20 this problem, with the BMW claim?  21 MR. KESHAVARZ: Objection to  22 form.  23 A. Say that again. I don't get  24 it.  25 Q. I'm sorry. Did you lose any</p>	<p>Page 224</p>
<p>1 F. FRANCOIS  2 then I said where do I'm going to send the  3 papers? They said you have to go to any  4 Capital One and then give it to the  5 customer service, give it to one of them  6 and explain to them. They will send me a  7 number that I have to give it to them and  8 they will send, they will fax those paper  9 to them.  10 Q. When was that that that  11 happened?  12 A. I don't remember the day. I  13 don't remember the day. It is after I fill  14 all those papers and staples that. It was  15 maybe in September or October.  16 Q. Of 2020, correct?  17 A. Yeah, maybe September or  18 October, between that.  19 Q. When did you receive a response  20 from Capital One that they made a decision  21 on your fraud claim?  22 A. I don't remember. I don't  23 remember when did I receive that. No, the  24 date, I don't remember that.  25 Q. But you did receive a response</p>	<p>Page 223</p> <p>1 F. FRANCOIS  2 pay? Did you lose anything from your  3 paycheck, any salary for the time that you  4 say that you took off, that one week you  5 took off and maybe another day or two, if I  6 understood you correctly?  7 A. Yeah, if you did not go to  8 work, if you don't have any sick days,  9 which they are not going to pay you. I  10 already took one week, it is my sick days.  11 The one week that I take it is my sick  12 days. After that, you call out, call out  13 which you're not going to get paid. And I  14 was not focused on that. All I was focused  15 on was to figure out to fix those things.  16 Q. So, how much money did you lose  17 as a result of not working on those days?  18 A. I don't know. I don't  19 remember.  20 Q. Are you claiming that in this  21 case?  22 MR. KESHAVARZ: Objection,  23 form. "Claiming that in this case?"  24 Q. Are you alleging damages in  25 this case for the amount you say that you</p>	<p>Page 225</p>

<p style="text-align: right;">Page 226</p> <p>1 F. FRANCOIS 2 weren't paid for the time you took off from 3 TD Bank?</p> <p>4 MR. KESHAVARZ: Objection to 5 the form of the question.</p> <p>6 You may answer, if you know.</p> <p>7 A. I don't know. I don't know.</p> <p>8 Q. You don't know, okay. You also 9 alleged in your Complaint that the stress 10 from this situation caused you to lose as 11 much as 25 pounds. Do you remember that?</p> <p>12 A. Yeah, and I have a picture of 13 that, definitely.</p> <p>14 MR. GOODMAN: I will call for 15 the production of that picture.</p> <p>16 Q. How much did you weigh on 17 May 30th of 2020?</p> <p>18 A. I weigh before, I was like 147, 19 147.</p> <p>20 Q. When were you 147?</p> <p>21 A. Before my birthday. Like on 22 May, June, I was 147, but I keep dropping, 23 losing weight September, October, November. 24 Yeah, I lose a lot of weight.</p> <p>25 Q. Well, at the lowest weight that</p>	<p style="text-align: right;">Page 228</p> <p>1 F. FRANCOIS 2 records from that doctor that would 3 corroborate, or not, the testimony 4 that Ms. Francois just gave about 5 weight loss and what she told the 6 doctor.</p> <p>7</p> <p>8 Q. What is your weight today?</p> <p>9 A. My weight now? I'm 170.</p> <p>10 Q. But you're pregnant now right?</p> <p>11 A. Yeah.</p> <p>12 Q. So, before you got pregnant, 13 what was your weight?</p> <p>14 MR. KESHAVARZ: Objection.</p> <p>15 A. My weight was 155.</p> <p>16 Q. So, you went down to 122 and 17 then came back up to 155; is that fair?</p> <p>18 A. Yeah, I'm 150 before I get 19 pregnant. Yeah, yeah, I was 150, 155.</p> <p>20 Q. So, when you went down to 122, 21 were you uncomfortable at 122? Were you 22 unhappy being that way?</p> <p>23 A. My anemia was worse because I 24 have anemia.</p> <p>25 Q. Are you on any medication for</p>
<p style="text-align: right;">Page 227</p> <p>1 F. FRANCOIS 2 you went down to after you found out about 3 what Emmanuel Laforest did to you, what was 4 that weight?</p> <p>5 A. I was losing -- I remember I 6 lose -- I become 122 the last time I went 7 to my doctor. And then he was telling me 8 did you sick? What happened to you? And I 9 was explaining to my doctor what happened 10 to me. Because he was thinking it's from 11 my asthma. I said no, my asthma has 12 nothing to do with that.</p> <p>13 Q. What's the name of that doctor?</p> <p>14 A. That's the PCP I have before 15 when I was in MetroPlus, but which I'm not 16 in MetroPlus now.</p> <p>17 Q. What's his or her name?</p> <p>18 A. I don't remember his name. I 19 don't remember his name because I don't use 20 MetroPlus no more. I'm using Health First.</p> <p>21 MR. GOODMAN: I ask the 22 Reporter to leave a space in the 23 transcript, you can fill in his name. 24 And I will call for production of an 25 authorization for the doctor, for the</p>	<p style="text-align: right;">Page 229</p> <p>1 F. FRANCOIS 2 anemia?</p> <p>3 A. No, no, I wasn't taking no 4 medication. And I would go see the doctor 5 just because I need a pump for my asthma. 6 I went to see my doctor and he weighed me 7 and by that time he said you're losing 8 weight and I explained to him what 9 happened.</p> <p>10 Q. So, you mentioned a pump for 11 your asthma, do you still use the pump?</p> <p>12 A. Yeah, I have asthma.</p> <p>13 Q. And that's been constant from 14 before May of 2020?</p> <p>15 A. No, I was never have that 16 constantly, constantly, but after that, 17 when I'm stressing, it's been like getting 18 worse. After that, I don't use it 19 constantly.</p> <p>20 Q. After what? You said "after 21 that."</p> <p>22 A. If I'm not stressing on 23 anything, I don't use my pump constantly, 24 like I have to take it every day, no.</p> <p>25 Q. Are you claiming that after you</p>

<p>1                   F. FRANCOIS  2 found out about the Capital One loan, after  3 you found out what Emmanuel Laforest did to  4 you, did you have to use your pump more  5 frequently?  6     A. Definitely. The same day I  7 used it more twice because I was with my  8 friend in the car, she was with me and she  9 said get your pump because you couldn't  10 breathe. Yeah, I use it.  11    Q. Who prescribed you that pump?  12    A. My doctor. Because since I was  13 young I have asthma.  14    Q. The same doctor?  15    A. Every doctor that I see  16 prescribe me my pump for my asthma,  17 Ventolin.  18    Q. You also alleged in your  19 Complaint that you could not sleep. Was  20 there a period of time that you lost sleep?  21    A. Yeah, this day I did not sleep  22 all day. And after that, I would be  23 thinking about when that's going to be end,  24 when that's going to be end, always  25 thinking my name. Like I was saying, that</p>	<p>Page 230</p> <p>1                   F. FRANCOIS  2 scared about what he can do with the car  3 because I don't know the type of a friend  4 that he have that he can end up with the  5 car and that can cause me in this country  6 because it was like that can put me in  7 trouble.  8     Q. So, him threatening you, that  9 did not cause you to lose sleep?  10    MR. KESHAVARZ: Objection to  11 form.  12    A. Yes, of course, because I'm  13 scared.  14    Q. You were scared, right?  15    A. Yeah, of course.  16    Q. Okay. You also, in your  17 Complaint, you said that you, quote, got  18 black bags under your eyes?  19    A. Say that again.  20    Q. I'll just read Paragraph 162 of  21 Plaintiff's Amended Complaint.  22        "She could not sleep" -- "she"  23 is you -- "and got black bags under her  24 eyes from the lack of sleep."  25        THE WITNESS: What does that</p>
<p>1                   F. FRANCOIS  2 I was scared that he did something with the  3 car. Because most people that I explain  4 they say, hey, if he do something with the  5 car, it's going to be on you, the police is  6 going to go after you because the car is in  7 your name. That was makes me very scared.  8     Q. Were you scared because  9 Emmanuel Laforest was threatening  10 you through text messages?  11    MR. KESHAVARZ: Objection,  12 form.  13    Q. You can answer.  14    A. Say that again.  15    Q. Let me rephrase the question.  16    Did you lose sleep because  17 Emmanuel Laforest, you were afraid of  18 Emmanuel Laforest because he had threatened  19 you with text messages that you can't come  20 back to Brooklyn, that stuff?  21    MR. KESHAVARZ: Objection to  22 form.  23    A. I was losing sleep because what  24 happened to me because I couldn't imagine  25 that me in this situation. Always I was</p>	<p>Page 231</p> <p>1                   F. FRANCOIS  2 mean, Ahmad?  3     Q. That's your Complaint. This is  4 your Complaint in this lawsuit.  5     A. They say I do blackmail?  6     Q. Black bags under your eyes.  7     A. Oh, yeah, under my eyes. Yeah,  8 because I couldn't sleep, like my eyes were  9 getting black. When you don't sleep, your  10 eyes will look like so tired. Like you're  11 going to get like dark circle and the bag  12 here is going to end up getting big because  13 you're not sleeping enough.  14    Q. How long did you have black  15 bags under your eyes?  16    A. That definitely I cannot tell  17 you how long it take that to remove all of  18 it, how long it took me to go back to that.  19    Q. You can't tell you?  20    A. I don't have a time.  21    Q. Did you seek any treatment from  22 any healthcare professional or cosmetician  23 or something to take care of your black  24 bags?  25    A. No.</p>

<p style="text-align: right;">Page 234</p> <p>1 F. FRANCOIS  2 Q. Did you buy any special formula  3 or makeup or anything for those black bags  4 under your eyes?  5 A. I usually don't wear makeup,  6 no.  7 MR. KESHAVARZ: Madame Court  8 Reporter, how are we doing in getting  9 a replacement?  10 THE COURT REPORTER: They  11 haven't responded yet.  12 BY MR. GOODMAN:  13 Q. Ms. Francois, can you tell me  14 who Darline, D-A-R-L-I-N-E, Dumel,  15 D-U-M-E-L is?  16 A. Yes, Darline is my best friend  17 and I'm the godmom of her daughter.  18 Q. And the what?  19 A. Godmom of her daughter.  20 Q. You are the godmother of her  21 daughter?  22 A. Yes.  23 Q. What is her address?  24 A. The address is in New Jersey.  25 It's 19 Montrose, South Orange, New Jersey.</p>	<p style="text-align: right;">Page 236</p> <p>1 F. FRANCOIS  2 Q. Okay. Was your husband there?  3 A. No, my husband wasn't there  4 because we didn't know that we were going  5 to have a party. Because I just went there  6 to visit Darline and then she say you're  7 not going home.  8 Q. Did you spend the night there  9 that night?  10 A. Yeah, all night, because it was  11 my birthday.  12 Q. Can you tell me who Hilda Perez  13 is?  14 A. That's my assistant manager  15 from TD Bank.  16 Q. Just tell me -- I should have  17 asked you before -- what was your job at TD  18 Bank? Just tell me your duties and  19 functions. You said you were a --  20 A. Customer service  21 representative.  22 Q. What did you do as a customer  23 service representative?  24 A. It was in December, after my  25 graduation from the nursing school.</p>
<p style="text-align: right;">Page 235</p> <p>1 F. FRANCOIS  2 Q. 19 what?  3 A. Montrose, M-O-N-T-R-O-S-E.  4 Q. Montrose?  5 A. Yeah.  6 Q. Now, she's your best friend.  7 Who is she? Is she a co-worker? Did she  8 work with you? Is she your friend from the  9 neighborhood?  10 A. No, we been friends since we  11 were in Haiti.  12 Q. She's from Haiti also?  13 A. Yes, she's from Haiti also.  14 Q. Were you with her on May 30th  15 of 2020?  16 A. Yeah, that was for my birthday.  17 She was doing a birthday party for me at  18 her house in New Jersey.  19 Q. Who else was at that party?  20 A. Another of her friends that she  21 invited because it was basically a surprise  22 party.  23 Q. It was a what?  24 A. It was a surprise. A party  25 surprise.</p>	<p style="text-align: right;">Page 237</p> <p>1 F. FRANCOIS  2 Q. No, what did you do? What were  3 your functions?  4 A. What I do is open checking  5 account, saving account, apply for  6 mortgage, loan for customer. And also, if  7 they have a fraud on the account, if they  8 have fraud like doing online on the  9 account, I have to make the complaint for  10 them and send it to the back office and  11 then the back office will figure out all  12 about that.  13 Q. Who did you report to? Who was  14 the next person, your boss, let's put it  15 that way, at TD Bank?  16 A. Hilda Perez. And then my old  17 manager who was there, he's not there  18 anymore, was my old manager. Radamos  19 Alvelo was my manager.  20 THE COURT REPORTER: What's the  21 name?  22 THE WITNESS: Radamos Alvelo.  23 It's R-A-D-A-M-O-S. Alvelo is  24 A-L-V-E-L-O.  25 MR. KESHAVARZ: How are we</p>

<p>1 F. FRANCOIS  2 doing with the new reporter, Sophia?  3 (Whereupon, an off-the-record  4 discussion was held.)  5 EXAMINATION BY  6 MR. KESHAVARZ:  7 Q. Ms. Francois, do you remember  8 the testimony --  9 MR. SELVEY: Oh, so you're just  10 going to go? Is this your deposition  11 Ahmad?  12 Q. Ms. Francois, do you  13 remember --  14 MR. GOODMAN: No, Ahmad, we're  15 not doing this.  16 Q. Do you remember --  17 MR. GOODMAN: No, no, no,  18 Ahmad.  19 THE WITNESS: Let me just hear  20 the one question that he has to ask  21 me. Let me just hear it.  22 MR. GOODMAN: How many  23 questions do you have, Ahmad?  24 MR. KESHAVARZ: I will be done  25 in four minutes if you stop</p>	Page 238	<p>1 F. FRANCOIS  2 MR. GOODMAN: Objection to  3 form.  4 A. Yes, definitely because  5 although I'm going to get all that money,  6 this is what make me crying and I was  7 stressing.  8 Q. Now, would any of this have  9 happened, with Mr. Laforest calling you or  10 threatening you, if the dealership did not,  11 in fact, pull your credit and, in fact,  12 give a loan in your name, and --  13 A. This would --  14 MR. GOODMAN: Objection to  15 form. This doesn't fairly --  16 A. Yes, this would never happen --  17 THE COURT REPORTER: I'm sorry,  18 you need to stop. Please speak one  19 at a time --  20 THE WITNESS: Thank you.  21 THE COURT REPORTER: -- because  22 I cannot get you all if you're  23 speaking at the same time, so please  24 respect the job that I have to do.  25 I could not even get the full</p>	Page 240
<p>1 F. FRANCOIS  2 interrupting me.  3 MR. GOODMAN: I'm interrupting  4 you in my deposition? I mean, come  5 on, this is outrageous. Your  6 behavior is just unreal, Ahmad.  7 MR. KESHAVARZ: All right, but  8 you don't have a Court Reporter for a  9 long enough period, so stop  10 interrupting me and let me just ask  11 my questions, okay.  12 MR. GOODMAN: I'm not going to  13 stop interrupting you. You just  14 don't take over like that.  15 THE WITNESS: Oh, Lord.  16 BY MR. KESHAVARZ:  17 Q. Ms. Francois, do you remember  18 your testimony before, about crying at  19 work? Do you remember that?  20 A. Yes.  21 MR. GOODMAN: Objection to  22 form.  23 Q. Is part of the reason you were  24 crying was because Capital One was calling  25 you and saying you owed them money?</p>	Page 239	<p>1 F. FRANCOIS  2 question down, so here is what I have  3 on the record.  4 (Whereupon, the referred to  5 question was read back by the  6 Reporter.)  7 Q. And process a loan with Capital  8 One for a \$30,000 loan and give a car to  9 Emmanuel Laforest. None of that would have  10 happened if it wasn't for the dealership,  11 right?  12 A. Yeah, nothing --  13 MR. GOODMAN: Hold on a minute,  14 hold on a minute. I object to the  15 form of the question. It's an  16 outrageous question. It also calls  17 for a legal conclusion which is  18 completely inappropriate. So, this  19 is outrageous what we're doing right  20 now --  21 MR. KESHAVARZ: You can answer  22 it.  23 MR. GOODMAN: You took over the  24 deposition to ask a completely  25 objectionable question.</p>	Page 241

<p>1 F. FRANCOIS  2 MR. KESHAVARZ: You can answer.  3 MR. GOODMAN: It's outrageous.  4 MR. KESHAVARZ: You can answer.  5 A. If the dealership was not doing  6 that and Capital One would not have all the  7 \$30,000 money, I would continue with my  8 life, the life I had before. I would never  9 be stressed, never crying and never almost  10 losing my job for that. That would never  11 happen.  12 Q. The last thing was we were  13 talking about texts, you didn't know who  14 the texts were coming from, correct?  15 A. No. That's what I said early,  16 I didn't know who texted me. It can be the  17 dealership, it can be Emmanuel. I don't  18 know who specifically was calling me,  19 that's why I was afraid.  20 MR. KESHAVARZ: All right,  21 thank you.  22 CONTINUED EXAMINATION BY  23 MR. GOODMAN:  24 Q. And, Ms. Francois, isn't it  25 true that if Emmanuel Laforest had not</p>	<p>Page 242</p> <p>1 F. FRANCOIS  2 Q. Yeah, okay. So, Emmanuel  3 Laforest didn't have anything to do with  4 it, correct? Is that your testimony?  5 A. This is not what I say. This  6 is not what I say. Because the dealership  7 and Emmanuel is both the one who commit  8 that. I'm not saying that Emmanuel was  9 innocent, no, I will never say that. If I  10 know he was innocent, I would not go to the  11 police.  12 Q. Okay, so, Ms. Francois --  13 MR. KESHAVARZ: Wait, were you  14 done?  15 MR. GOODMAN: No, I'm not done,  16 Ahmad.  17 MR. KESHAVARZ: Ms. Francois,  18 were you done with your answer?  19 THE WITNESS: No, I was not  20 done with my answer.  21 MR. KESHAVARZ: Okay. Finish  22 your answer, please.  23 MR. GOODMAN: No, you were  24 done.  25 MR. KESHAVARZ: Finish your</p>
<p>1 F. FRANCOIS  2 stolen your driver's license, had not gone  3 to somebody to get your Social Security  4 number, had not gone to the dealership and  5 taken out a loan in your name, if Emmanuel  6 Laforest hadn't done all of those things,  7 you would have been able to live your life  8 without crying and going in distress as you  9 said; isn't that correct?  10 A. Yeah, that was the question.  11 If they didn't do all that, I would never  12 have any stress, anything like that and my  13 marriage would always continue, I would  14 never have all those problem that I had.  15 Q. Right, and that's because  16 Emmanuel Laforest is a criminal, who stole  17 your identity, right?  18 A. Because of what the dealer and  19 Emmanuel --  20 Q. No, it wasn't because --  21 MR. KESHAVARZ: Don't interrupt  22 her.  23 A. Because the dealer was the one  24 who pulled up my credit. The dealer is the  25 one who had access to Capital One.</p>	<p>Page 243</p> <p>1 F. FRANCOIS  2 answer.  3 MR. GOODMAN: Don't finish your  4 answer. I have a question for you.  5 MR. KESHAVARZ: No --  6 A. I don't have access to finish  7 my question? If you ask me a question and  8 I'm not done, I don't have access to finish  9 it? I think I have access. If you ask me  10 a question, I have to answer you to give  11 you the correct answer.  12 Q. No. This is not your  13 opportunity just to talk all you want about  14 anything you want to talk about. This is  15 about questions and answers. Okay?  16 MR. KESHAVARZ: Finish your  17 answer.  18 A. So, then you're asking me  19 question without answer.  20 Q. I'm asking you if you  21 understand you're under oath in this --  22 A. Yeah, that's why I want to give  23 specific what happened, because I remember  24 everything here, in my head, of what  25 happened to me and who did that and all</p>

<p>1 F. FRANCOIS  2 those things was stressing me and all those  3 things make me crying and leaving my house,  4 leaving my relationship, my marriage.  5 Q. Okay. And so, I'm asking you  6 if you're comfortable, if you're okay,  7 under oath, changing the testimony that you  8 gave previously when your attorney asked  9 you leading questions to change your  10 testimony? Are you okay with that?  11 MR. KESHAVARZ: Wait, that's  12 not a question.  13 MR. GOODMAN: No, that is a  14 question.  15 MR. KESHAVARZ: What's your  16 answer.  17 Q. What's your answer,  18 Ms. Francois? Are you okay with that?  19 A. No, my lawyer never asked me  20 that. My lawyer never asked me that.  21 Which is what I've been saying since this  22 morning, when you were telling me why I did  23 not sue Emmanuel. I say Emmanuel and the  24 dealer, the dealer who is the most person  25 who affect me because they are the one who</p>	<p>Page 246</p> <p>1 F. FRANCOIS  2 Ms. Reporter. We don't need to hear  3 anymore of this.  4 MR. KESHAVARZ: We reserve the  5 right to review and revise. Just  6 e-mail the transcript to me at my  7 e-mail address. All I need is an  8 E-trans.  9 THE COURT REPORTER: Okay,  10 thank you.  11 And Nicholas, are you ordering  12 a copy of the transcript?  13 MR. GOODMAN: Yes, I am.  14 THE COURT REPORTER: All right.  15 Thank you.  16 (Whereupon, at 5:10 P.M., the  17 Examination of this Witness was  18 concluded.)  19       ○     ○     ○     ○  20  21  22  23  24  25</p>
	<p>Page 247</p> <p>1 F. FRANCOIS  2 checking my information because they  3 couldn't check Emmanuel, none of that would  4 have happened. They didn't check Emmanuel,  5 they check the information and they sitting  6 with Emmanuel and give him form and filling  7 all those paper and sign that means it's me  8 sign, which is that they are the one and  9 Emmanuel caused me all that stressed.  10 Q. Emmanuel caused you all that  11 stress, right?  12 A. No, I said the dealer. If you  13 listen to what I'm saying, the dealer and  14 Emmanuel, because the dealer, he's the one  15 who let Emmanuel do that. Because if I  16 come to you and ask you for something, you  17 reject me, that will never happen.  18 MR. GOODMAN: Move to strike  19 the nonresponsive portion. I'm done.  20 Let's close this out. This is just  21 outrageous. This is silly. I'm  22 finished. Let's close the  23 deposition.  24 MR. KESHAVARZ: Thank you.  25 MR. GOODMAN: Thank you,</p>

	Page 250	Page 252
1 F. FRANCOIS		1 F. FRANCOIS
2 E X H I B I T S		2 INFORMATION AND/OR DOCUMENTS REQUESTED
3		3 INFORMATION AND/OR DOCUMENTS PAGE
4 DEFENDANT'S EXHIBITS:		4 Production of the credit report
5		from May of 2020 or prior to
6 EXHIBIT EXHIBIT PAGE		5 May 30th of 2020 that the Witness
7 LETTER DESCRIPTION		says will show everything about
8 Exh A Capital One		6 what her credit score was and
Fraud Submission	125	how it came down 176
9		7
Exh B Plaintiff's Experian		Production of picture showing
Report dated 6/11/21	169	8 weight loss 226
11 Exh C TransUnion Personal		9 Space provided for name of
Report dated 5/12/22	197	doctor 227, 228
12		10 Authorization for records from
Exh D Equifax Credit Report	203	11 doctor that would corroborate
13		weight loss and what Plaintiff
Exh E Penfed Credit Union		12 told the doctor 227, 228
14 Adverse Action Form		13
dated 6/29/22	205	14 QUESTIONS MARKED FOR RULINGS
15		15 PAGE LINE QUESTION
Exh F Mercedes-Benz Financial		16 (None)
16 Services, Notice Of		17
Action Taken And		18
17 Statement Of Reasons,		19
dated 6/14/22	212	20
18		21
19 (Exhibits retained by Counsel.)		22
20		23
21		24
22		25
23		
24		
25		
	Page 251	Page 253
1 F. FRANCOIS		1 F. FRANCOIS
2 I N D E X		2 C E R T I F I C A T E
3		3
4 EXAMINATION BY PAGE		4 STATE OF NEW YORK )
5 MR. GOODMAN	4, 242	5 : SS.:
6 MR. KESHAVARZ	238	6 COUNTY OF ORANGE )
7		7 I, VICTORIA CHUMAS, (pages 1-108,
8		8 253), a Notary Public for and within the
9 INFORMATION AND/OR DOCUMENTS REQUESTED		9 State of New York, do hereby certify:
10 INFORMATION AND/OR DOCUMENTS PAGE		10 That the witness whose examination is
11 Production of the papers that		11 hereinbefore set forth was duly sworn and
were given to Farah Francois		12 that such examination is a true record of
12 on the date that she was at		13 the testimony given by that witness.
the dealership	120	14 I further certify that I am not
13		15 related to any of the parties to this
Production of photo that was		16 action by blood or by marriage and that I
taken at the dealership	123	17 am in no way interested in the outcome of
14 Preservation and production of		18 this matter.
papers received from collection		19 IN WITNESS WHEREOF, I have hereunto
16 agencies concerning violations		20 set my hand this 10th day of January 2023.
on the BMW	148	21
17		22
Production of any documents,		23 VICTORIA CHUMAS
18 documentation concerning the		24
Plaintiff's credit score prior		25
19 to 5/30/2020 and, most		
specifically, a credit score		
20 of 780	169	
21		
(Continued on the following page.)		
22		
23		
24		
25		

64 (Pages 250 - 253)

Veritext Legal Solutions

www.veritext.com

212-267-6868

516-608-2400

<p>1                   F. FRANCOIS  2                   C E R T I F I C A T E  3  4                   STATE OF NEW YORK    )  5                   : SS.:  6                   COUNTY OF ORANGE    )  7  8                   I, SOPHIA TORIBIO, (pages 109-252,  9                   254), a Notary Public for and within the  10                  State of New York, do hereby certify:  11                  That the witness whose examination is  12                  hereinbefore set forth was duly sworn and  13                  that such examination is a true record of  14                  the testimony given by that witness.  15                  I further certify that I am not  16                  related to any of the parties to this  17                  action by blood or by marriage and that I  18                  am in no way interested in the outcome of  19                  this matter.  20                  IN WITNESS WHEREOF, I have hereunto  21                  set my hand this 10th day of January 2023.  22  23  24  25</p> <p style="text-align: center;">  SOPHIA TORIBIO</p>	Page 254
--	----------

<p>1                   ERRATA SHEET  2                   VERITEXT/NEW YORK REPORTING, LLC  3  4                   CASE NAME: Francois, Farah Jean v. Victory Auto Group LLC  5                   DATE OF DEPOSITION: 11/22/2022  6                   WITNESSES' NAME: Farah Jean Francois  7  8                   PAGE   LINE (S)   CHANGE    REASON  9                   _____ _____ _____ _____   10                  _____ _____ _____ _____   11                  _____ _____ _____ _____   12                  _____ _____ _____ _____   13                  _____ _____ _____ _____   14                  _____ _____ _____ _____   15                  _____ _____ _____ _____   16                  _____ _____ _____ _____   17                  _____ _____ _____ _____   18                  _____ _____ _____ _____   19                  _____ _____ _____ _____   20                  _____ _____ _____ _____   21  22                  _____ _____ _____ _____   23                  _____ _____ _____ _____   24  25                  _____ _____ _____ _____ </p> <p style="text-align: center;">Farah Jean Francois</p> <p style="text-align: center;">22 SUBSCRIBED AND SWORN TO BEFORE ME  THIS ____ DAY OF _____, 20 ____.</p>	Page 255
---	----------

65 (Pages 254 - 255)